

March 20, 2007



TRANSCRIPT
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MONTGOMERY COUNTY COUNCIL

Marilyn J. Praisner, President	Michael Knapp, Vice President
Phil Andrews	Duchy Trachtenberg
Nancy Floreen	George Leventhal
Marc Elrich	Valerie Ervin
Roger Berliner	



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1 President Praisner,
2 Good morning, ladies and gentlemen. Can we rise for invocation by Jan Tunney from
3 Spiritual Assembly of the Baha'i of Montgomery County, Gaithersburg. Welcome.

4
5 Ms. Tunney,
6 Let's take a moment to reflect and pray. Oh my God, oh my God. Verily, I invoke thee
7 and supplicate before thy threshold, asking thee that all thy mercies may descend upon
8 these souls. Specialize them for thy favor and thy truth. Oh, Lord. Unite and bind
9 together the hearts. Join in accord all the souls and exhilarate the spirits through the
10 signs of thy sanctity and oneness. Oh, Lord, make these faces radiant through the light
11 of thy oneness. Strengthen the loins of thy servants in the service of thy kingdom. Oh,
12 Lord, thou possessor of infinite mercy. Oh, Lord, of forgiveness and pardon, forgive our
13 sins, pardon our shortcomings, and cause us to turn to the kingdom of clemency,
14 invoking the kingdom of might and power, humble at that shrine, and submissive before
15 the glory of thy evidences. Oh, Lord God, make us as the waves of the sea, as flowers
16 of the garden, united, agreed through the bounties of thy love. Oh Lord, dilate the
17 breasts through the signs of thy oneness, and make all mankind as stars shining from
18 the same height of glory as perfect fruits growing upon thy tree of life. Verily thou art the
19 almighty, self-subsistent, the giver, the forgiving, the pardoner, the omniscient, the one
20 creator. May you find unity in your deliberations today.

21
22 President Praisner,
23 Thank you. If folks would not mind, I would like you to please remain standing and as
24 we remember an incredible community activist, Jeredine Williams who died March 11,
25 founder and executive director of Silver Spring based Migrant and Refugee Cultural
26 Support. Jeredine was a very well respected and had passioned (sic) and determined
27 advocate on behalf of refugees and immigrants, and especially on behalf of women who
28 were experiencing violence and persecution. She held many positions within the county.
29 And in fact, before she resettled here in the United States, she was the only woman
30 candidate in the 1995 presidential elections in Sierra Leone. Even when she was ill
31 Jeredine worked tirelessly for her clients, helping those who were experiencing
32 domestic violence, sexual assault, human trafficking, and other abuses. Jeredine, in my
33 view and I know in the views of those who worked with her and knew her and came to
34 love her, exemplified the spirit of sincere commitment to community that we respect and
35 appreciate so much in Montgomery County. And I think it's very appropriate that we take
36 a moment of silent prayer for Jeredine and gratitude and remembrance. Thank you very
37 much. I'm going to ask Harold Kessler to join me up front. Harold. It's my pleasure as
38 President of the County Council and as former chair of the Management and Fiscal
39 Policy Committee to recognize and thank Harold Kessler for all his years of service on
40 the Merit System Protection Board. Folks don't know, I guess you understand the
41 participation of folks in boards and committees, but the Merit System Protection Board
42 is one that doesn't necessarily generate the kind of advocacy and enthusiasm that we
43 normally see in boards and committees. But it's a very important board for our
44 employees in the County; and has done significant work especially in the past four



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1 years as we've reviewed the whole personnel regulations. I know that Mr. Andrews who
2 sat on the MFP Committee with me and former Councilmember Howie Dennis who
3 chaired that part of the process came to respect very much the input of the Merit
4 System Protection Board, and especially Harold's leadership on that board, in providing
5 the kind of input that we need very much in order to do our job and to respond and
6 support our employees. So, Harold, in recognition and appreciation for your dedicated
7 and outstanding public service, as a member of the Merit System Protection Board from
8 February 18, 1997, to January 20, 2007, ten years, and for having served as its chair in
9 2000, 2001, 2003, and 2006, please accept this certificate and our thanks for all the
10 work that you've done. And also the County Council does have this commemorative
11 plate that we give on special occasions and we want to give one to you also for you to
12 remember your service to Montgomery County. So thank you very much. And if you'd
13 like to make a comment, please do.

14
15 Mr. Kessler,
16 Thank you. Just a couple words.

17
18 President Praisner,
19 I want to put that down so we don't break it.

20
21 Mr. Kessler,
22 Don't break the plate. I want to thank the Council first for the opportunity to have served
23 on the Merit System Protection Board for ten years. And today the honor of that service-
24 -I've worked for government agencies that administer labor and employee relations
25 programs for 45 years, but my time with the County MSPB was really a highlight not
26 only because the work was very interesting and very challenging, but the MSPB is the
27 Council's institution for assuring that the merit system is administered in an effective,
28 efficient and fair way. So all the work that I did for the board you always felt like you
29 were on the side of the angels that you were doing good work. And so it was always a
30 pleasure. And I thank Council President Praisner and the rest of the Councilmembers
31 for this award.

32
33 President Praisner,
34 Thank you very much. Want to take a picture? Trusted me to hold the plate too. Some
35 technical difficulties. Thank you.

36
37 Mr. Kessler,
38 We recently got one of those and it's challenging.

39
40 President Praisner,
41 Thank you very much.

42
43 Mr. Kessler,
44 Thank you.



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1
2 President Praisner,
3 Announcements. Linda Lauer.

4
5 Ms. Lauer.

6 The Council yesterday did receive a package from the executive with the additional
7 requests for the FY08 Capital Budget and amendments to the CIP. Those are being
8 announced today so that we can advertise them and incorporate them into the public
9 hearings on April 9, 10, 11 and 16. And copies of that packet are available to the public
10 by calling our information office. Thank you.

11
12 President Praisner,
13 Okay. We have received a petition from residents from Montgomery County supporting
14 full funding of the library budget for 2008. Approval of minutes.

15
16 Madam Clerk,
17 The minutes of February 26 and 27 for approval.

18
19 President Praisner,
20 Is there a motion?

21
22 Vice President Knapp,
23 (inaudible)

24 President Praisner,
25 Council Vice President Knapp. Seconded by Councilmember Trachtenberg. Those in
26 favor. It's unanimous among those present. Let me just comment Councilmember
27 Berliner is behind you just so you note. And Councilmember Floreen will be joining us
28 shortly, but she's downtown on Council business. And I expect Councilmember Elrich
29 any moment. Okay. Consent calendar. Is there a motion? Councilmember Andrews
30 second. Vice President Knapp. Councilmember Leventhal.

31
32 Councilmember Leventhal,
33 Thank you, Madam President. I want to comment on the consent calendar in just a
34 moment. But first of all I want to thank you for your comments regarding Jeredine
35 Williams. She was known to all of us, and we had a lot of interaction with Jeredine in the
36 Health and Human Services Committee. She was actually one of our primary people to
37 speak on issues of human trafficking and refugees at a committee meeting that was
38 held two years ago that got a lot of attention, and I hope raised the consciousness of
39 employers particularly in the diplomatic community that there are people watching what
40 goes on even though it's not always easy to track down these crimes. I also want to just
41 note the passing of Jeffrey Liss, who was a distinguished attorney, very prominent
42 activist in political and human affairs here in Montgomery County. And I would just like
43 the record to reflect that the County Council sends its sympathy to Mr. Liss' family. He
44 passed away a few days ago prematurely really; in the mid fifties. And he still had many,



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1 many--much to contribute and made great contributions particularly in political affairs
2 particularly to our -- particularly to the party to which all members of this County Council
3 belong. And I wanted to comment on agenda item 3E. I wanted to thank the MFP
4 Committee for its discussion of diversity in the County work force. I was not present for
5 that discussion, but my staff briefed me and I have read OLO's reports. I think that
6 progress is being made, but I want to call particular attention--and I hope the MFP
7 committee will continue to watch the shortage of language skills in the work force. As
8 Chairman of HHS I know that we're facing some very serious difficulties in service
9 delivery because of our challenges in recruiting people with language skills. I'm not quite
10 sure that the OLO report places enough emphasis on that point. It does address a
11 variety of issues having to do with diversity, but I think language skills need to be
12 foremost on our mind in hiring. And finally I want to commend the County Executive for
13 his proposal -- which I strongly support, to add a position in the Office of Human
14 Resources which will be a special needs work force coordinator to assist in providing
15 employment opportunities for disabled residents of the County. I'm hoping later this year
16 that we will be able to, in the HHS Committee, address the wide range of issues that our
17 disabled residents face in which the need for employment is first and foremost. We
18 learned in the MFP Committee that we don't really have thorough data on the extent to
19 which county government is employing disabled residents because of privacy issues
20 and because of respect for people with disabilities. We don't mandate that they
21 necessarily disclose their disability. But we should be in a place that provides significant
22 opportunity for disabled people and again I congratulate the County Executive on
23 adding this position and I will support funding this position in OHR's budget in the
24 coming year.

25
26 President Praisner,
27 Councilmember Trachtenberg.

28
29 Councilmember Trachtenberg,
30 I also want to start my remarks by acknowledging Jeredine Williams who was a
31 personal friend and fellow advocate for many years. I had the honor of going to her
32 memorial service on Saturday, and I'm happy to report that we didn't even really have
33 enough room in the church for all those that wanted to pay their respects. And that was
34 a tribute not only to her long-standing community service, but really to the fact that she,
35 despite challenges, always pressed forward and even last week as she was suffering
36 through her illness, she was still calling some of us in the Council building to work on
37 specific needs of immigrant women. So, again, I want to echo what Councilmember
38 Leventhal said about Ms. Williams. I also wanted to take the opportunity to speak a little
39 bit about the OLO report on workforce diversity, which of course Councilmember have
40 had a chance to evaluate. And I wanted to indicate that during the work session that
41 occurred we had a good conversation about the improvements that have taken place.
42 And certainly the fact that the increase in number of minority supervisors out pace that
43 of white male supervisors, and we thought that was a good beginning. But of course we
44 also noted that there were still challenges around supervisory positions being held by



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1 both women and members of the Hispanic community. And of course some direct
2 recommendations in the report related to the improvement of technology so that we
3 could actually analyze our applicant pool more efficiently and also the anticipation of an
4 EEO plan within the next few weeks from OHR. And I know George will be happy to
5 note that another area that was discussed at length in committee was the issues around
6 disabilities and increasing employment opportunities for those that are afflicted with
7 disabilities. And the final thing I would suggest is that we're expecting that EEO plan in
8 another few weeks. We expect that we'll have a briefing from OHR around that. And
9 we're hoping that that continues to show marked improvements in the outreach and the
10 training that we actually provide to our employees. Thank you.

11
12 President Praisner,
13 Councilmember Andrews.

14
15 Councilmember Andrews,
16 Thank you, Madam President. I want to thank you also for recognizing Jeradine
17 Williams who was truly remarkable, and through her final days was working to assist
18 women in great need at a time while she was in incredible need herself. Truly a
19 testament, and she left a lasting imprint on this county.

20
21 President Praisner,
22 Councilmember Ervin.

23
24 Councilmember Ervin,
25 I wanted to speak to Item G, if we're ready to move on.

26
27 President Praisner,
28 You can speak to any item on the consent calendar.

29
30 Councilmember Ervin,
31 All right. I wanted to speak to Item G and report that the T&E Committee voted
32 unanimously to approve the advance taking. And the agenda Item 3G shows on Circle
33 13 and 14 a revised draft resolution which shows the approval of the T&E Committee on
34 this item.

35
36 President Praisner,
37 Thank you. I want to make note, if I can, that what the Council is also doing on the
38 consent calendar re-designating the Collaboration Council as our local management
39 board. And invite those who may be watching this who have some time this afternoon to
40 come back at 2:00 for our discussion and briefing downstairs in the third floor
41 conference room--a joint briefing by the Collaboration Council for both the Board of
42 Education and the County Council on their work on out of school activities. And it's a
43 good beginning to the issues I think we have to collectively look at. And highlights I think
44 not only the efforts going on, but the need for us to continue to manage the data, and to



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1 have a better understanding of the range of opportunities that are already available
2 such that we maximize those opportunities and expand on them for all our children
3 within the county. So want to acknowledge the Collaboration Council's work. I suspect
4 we will be turning to the Collaboration Council more frequently when it comes to helping
5 us to manage information and to help the policymakers in the county make decisions as
6 well as to use them even more to expand options by leveraging grant money and other
7 external non-government funds. Okay I see no lights. The consent calendar in front of
8 us. All of us in favor. It is unanimous among those present. Again Councilmember
9 Floreen should be joining us shortly. We will now move into District Council. And I want
10 to make note and acknowledge the document that was prepared at my request by Jeff
11 Zyontz to help this Council as it is our first consideration of a hearing examiners report
12 and, in essence, a local map amendment to understand the differences associated with
13 this kind of action. And again to the extent folks are listening or are interested, I would
14 refer you to Item 4. There are two packets. One is our action packet prepared by the
15 hearing examiner, but the second under Item 4 is a pithy but important three-page
16 memo that would help the general public also to understand the Council's approach,
17 procedures, requirements when we're dealing with a local zoning map proposal. So I
18 thank you very much, Jeff. It's terrific. Okay. We are moving to--huh? On that Item? Yes,
19 sure.

20
21 Councilmember Berliner,

22 I just wanted to add my thanks to staff with respect to this memorandum. I thought it
23 was an excellent piece of work. And I would just point out to my colleague's footnote--
24 number 7 in particular. I do appreciate someone who chooses to express a point of
25 view. And when they say that Council staff has the role of a potted plant until Council
26 indicates the likely decision is a variance. I just thought that was well done and makes
27 reading these kinds of memorandums more enjoyable, which is important. Thank you.

28
29 President Praisner,

30 Councilmember Berliner is referring to Staff Member Zyontz's objective, which is to
31 place within every memorandum that he writes some pithy little comment that it would
32 help us to--allows us to smile as we read. So whether it is a quotation or a reference to
33 other activity, this one being Iran Contra. Okay. Onto the serious business of note. We
34 have the Hearing Examiner's report and recommendation. This is our first chance as a
35 Council to see Mr. Phil Tierney, Retired Hearing Examiner, who also comes back
36 periodically to help the Hearing Examiner staff, Francoise and Marty Grossman--
37 Francoise Carrier and Marty Grossman, with the workload. And, Phil, it's good to see
38 you. Hope everything's well at home.

39
40 Mr. Tierney,

41 Everything is. Thank you, Madam President. I look forward to the discussion.

42
43 President Praisner,



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1 Okay. We have a Hearing Examiner's report. I don't know if you want to make any
2 general comments. The recommendation that you are in the memorandum you
3 prepared for us the resolution is a remand on this issue. So I'll just see if you want to
4 make any comments. And then see if there are any motions or questions.

5
6 Mr. Tierney,

7 Madam President, the proposal is actually a very worthwhile proposal. But there are
8 some loose ends that need to be tied up and that's why we're recommending a remand
9 so that that can be done, and all the parties will have an opportunity to comment on any
10 revisions. I'll be happy to answer any questions about the project.

11
12 President Praisner,

13 Councilmember Floreen.

14
15 Councilmember Floreen,

16 Thank you. Good morning to you all. Mr. Hearing Examiner, I didn't quite understand the
17 issue about the Green Building.

18
19 Mr. Tierney,

20 I didn't either.

21
22 Councilmember Floreen,

23 I know but how is that related to the zoning case? We're still working on the regulations
24 here and they're going to be required as you may be aware in a regulatory environment,
25 they're going to have to satisfy various -- building rules.

26
27 Mr. Tierney,

28 Well they proposed some things that are components of a Green Building. But they
29 were not made part of the development demand in a binding sense. And a couple of
30 them were items that, for instance, a green roof was something they relied on for storm
31 water management. And, so it just appeared that they should be a little bit more
32 committed to the green concept and that we needed little bit more information that the --
33 that this would be part of the development when it's eventually built. We asked them to
34 do that. They did submit some stuff the day the record closed. But the other side did not
35 have an opportunity to respond. So I think we have a procedural deficiency there. But
36 also the information about what the organization is that they plan to have certify, needs
37 to be introduced into the record. So the record is really deficient in several areas.

38
39 Councilmember Floreen,

40 What I don't understand though is how that is relevant to the zoning decision per se. I
41 mean it's interesting and will certainly be important the details however this is managed
42 will be important and relevant to lots of people. As I said, we have some regulatory
43 expectations that are not fully finalized yet in terms of some of the details but that's



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1 separate from the zoning case. But how is the Green Building amenity element relevant
2 to the kinds of findings that we need to make?

3
4 Mr. Tierney,
5 Well the one finding dealing with the adequacy of the storm water management system
6 is dependent on one of the aspects of the Green Building proposal which just wasn't
7 clear.

8
9 Councilmember Floreen,
10 Would you ordinarily have that kind of detail at this stage in a zoning case?

11
12 Mr. Tierney,
13 If the applicant relies on it for a particular aspect of the storm water management, we
14 would. It's not usually a part of a consideration, but in this case they're testimony was
15 based on having this particular type of roof. And we had no evidence that that roof
16 would be provided.

17
18 Councilmember Floreen,
19 If they had said nothing on the subject, would it--I mean if they didn't say anything about
20 storm water management in the case per se and then nothing about a roof, would that
21 effect ordinarily the decision? I'm asking because I haven't seen this kind of (inaudible).

22
23 Mr. Tierney,
24 If the engineer had not based his testimony on this particular type of roof, if he said
25 there were other aspects of the storm water management program that would take care
26 of it, it wouldn't have been an issue.

27
28 Councilmember Floreen,
29 My other question was about the side access in traffic analysis points. I looked at -- read
30 your report and there's some issues about West Lane apparently. But the planning staff
31 said it satisfied all those objectives. So I want --in their report that's in the record. So I
32 was trying to understand what more it would be that you would require.

33
34 Mr. Tierney,
35 Well just so the Council understands the relationship with the staff evaluation and the
36 Hearing Examiner's evaluation, the staff comes first. And they evaluate the material
37 before them, without the benefit of the testimony at the hearing. We had a contested
38 case, and some of the opposition raised serious concerns about whether West Lane is
39 adequate to accommodate the proposed development in addition to the traffic it already
40 bears. And my conclusion was that the applicant can do a better job explaining how that
41 road is going to work, and actually provide additional evidences to how and when it's
42 going to be repaved. Right now the evidence indicates that it's a road that's only 18-to-
43 19-feet wide and it's in very poor condition. The applicant indicates that as part of the
44 development they will make some improvements, but the evidence the record is really



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1 unclear as to the extent of those improvements. And so that's another reason why we
2 recommended a remand so the applicant can clear that up. And also present evidence
3 that will respond to the opposition's contention that it will simply create an additional
4 traffic jam.

5
6 Councilmember Floreen,
7 Okay. Thank you.

8
9 President Praisner,
10 Councilmember Elrich.

11
12 Councilmember Elrich,
13 I went out and looked at the site yesterday. I assume I'm allowed to do that.

14
15 President Praisner
16 No. You're not.

17
18 Councilmember Elrich,
19 I can't look at the site?

20
21 President Praisner,
22 No. You have to make your decision, Marc, based on the written record in front of you.

23
24 Unidentified,
25 Right.

26
27 Councilmember Elrich,
28 Well then I'm glad I disclosed that. I thought it was useful to go out and actually look at
29 something on the ground.

30
31 Councilmember Floreen
32 No.

33
34 Councilmember Floreen,
35 No. This is an astonishing insight that we get.

36
37 Councilmember Elrich,
38 Okay. I can't share anything that I observed when I was out there.

39
40 President Praisner,
41 Correct. You can't.

42
43 Councilmember Elrich,
44 Okay. Fair enough. I won't share anything that I observed when I was out there.



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1
2 Unidentified,
3 Be that way.
4
5 Councilmember Elrich,
6 I understood the part of not talking to each other. I didn't actually understand we
7 shouldn't go look at anything. Okay.
8
9 President Praisner,
10 No, it's based on the record.
11
12 Councilmember Elrich,
13 I won't say anything.
14
15 President Praisner,
16 Okay. Councilmember Berliner.
17
18 Councilmember Berliner,
19 Thank you. I would appreciate if you could turn to page 4 -- do you have 4 on your
20 document in front of you?
21
22 Mr. Tierney,
23 Is it a circled four?
24
25 Councilmember Berliner,
26 Page 44 of your decision.
27
28 Mr. Tierney,
29 Oh, 44.
30
31 Councilmember Berliner,
32 Of your decision.
33
34 Mr. Tierney,
35 Page 44 of the Hearing Examiner's decision. And that would be circle 49?
36
37 Councilmember Berliner,
38 That would be correct. Yes.
39
40 Mr. Tierney,
41 Yeah, I have that.
42
43 Councilmember Berliner,



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1 Could you speak to what your expectation is with respect to the second paragraph
2 under number 2, which is--I appreciate it, you made two findings. You made a finding
3 that they were in technical conformance with the building height limitations, but you felt
4 that nonetheless it was still too tall in relationship to the adjoining neighborhood. So on
5 remand, what is your expectation that you will get? It was just a little unclear to me as to
6 what happens next.

7
8 Mr. Tierney,

9 We would hope that the applicant would take a look at this. It particularly concerns the
10 villages of Bethesda, that project immediately to the north. They have provided a 20-foot
11 setback which helps, but they are proposing a 65-foot height. The project immediately to
12 the west that hasn't been built yet will have a 47-foot height along the eastern boundary.
13 So to me there's a little bit of flexibility there that they may be able to -- I don't expect
14 them to drop the height to 47-feet, but there may be some adjustment in that height as it
15 projects onto the villages of Bethesda that may be somewhat less than the 65-feet. It
16 does comply with the sector plan height limit for that particular portion of the Transit
17 Station area, but there is some concern with the villages of Bethesda. Mr. Fiscon's
18 testimony was pretty graphic. And he was concerned that his enjoyment of his
19 townhouse is going to be adversely impacted by this development.

20
21 Councilmember Berliner,

22 So as I appreciate it, your hope is that on remand, the developer will come in with a
23 more neighborhood sensitive plan that would drop the building height from 65 to
24 somewhere below 65 and probably above 47, is what your expectation is.

25
26 Mr. Tierney,

27 Yes. They would make some attempt to address Mr. Fiscon's concerns. They have
28 already made efforts to address that 20-foot setback as I mentioned. But he's still
29 concerned. So we would hope that they would come up with something creative that
30 would address that.

31
32 Councilmember Berliner,

33 And my review of the order it seemed as if the other major issue, which isn't to say there
34 weren't some minor issues, but the other major issue was the traffic situation on West
35 Street; is that correct?

36
37 Mr. Tierney,
38 West Lane.

39
40 Councilmember Berliner,

41 West Lane. And there you found that they had "utterly failed to show how the system
42 will actually work," so it seems if you're expecting them on remand to come up with a
43 new traffic plan?



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1 Mr. Tierney,

2 With a traffic evidence that shows how the various things would link up. The evidence is
3 that there's ten peak-hour trips there now. The proposed development would add 15
4 peak-hour trips. That has to merge with Montgomery Lane and it also has to handle all
5 sorts of emergency vehicles, garbage trucks, delivery trucks and passenger vehicles
6 that are gaining access to this residential building where there's 78 parking spaces,
7 which indicates to me that there maybe more than 25 peak-hour trips at certain times.
8 And so it would be good to have a traffic engineer actually testify as to how that
9 particular street is going to work. And what the improvements will be and when the
10 improvements will be made. It's not really clear when these improvements are going to
11 be made. So I think the Council's entitled to know that before you make a finding that
12 the vehicular and pedestrian system are safe, adequate and efficient.
13

14 Councilmember Berliner,

15 And as someone who represents that district, I fully appreciate your efforts in that
16 regard and I would want those assurances. I thank you for your efforts in that regard.
17

18 President Praisner,

19 Council Vice President Knapp.
20

21 Vice President Knapp,

22 Thank you, Madam President; actually go ahead.
23

24 President Praisner,

25 I forgot George. George was next. Now, George. You're next. I'm sorry.
26

27 Councilmember Leventhal,

28 Okay. Well let me, Mr. Tierney, I appreciate your write up here. I want to return to some
29 of the matters that have been raised by my colleagues. LEED--l-e-e-d--certification is
30 very well understood in the architectural field, and well understood, I think, by the
31 planning board. And I understand it's not universally understood, but for those who are
32 in the business of sort the current state of the art, the process for gaining LEED
33 certification through the U.S. Green Building's Council is not obscure or unknown. And
34 I'm not sure I would share the view articulated in the Hearing Examiner's report that an
35 explanation of what LEED is necessarily need be provided. Now, in terms of assuring
36 that the applicant will indeed follow through on the applicant's commitments in the
37 course of the application for rezoning, I agree that there needs to be that assurance. But
38 the lack of awareness by any -- lack of familiarity with Green Buildings and with LEED
39 certification by any party to the proceeding including the Hearing Examiner, I don't think
40 is necessarily grounds for either denying or requiring a remand. So since that's cited as
41 part of the Hearing Examiner's report, I guess I have to return to that point. How heavily
42 did that weigh? It would appear with all due respect that, and we're not -- all of us are
43 familiar with various things and not familiar with others, how heavily did the uncertainty



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1 of the meaning of what LEED certification is weigh in the Hearing Examiner's
2 recommendation for a remand?

3
4 Mr. Tierney,

5 It wasn't a major consideration. Standing alone I'm not sure a remand would be
6 recommended. But since we were recommending a remand based on other issues, I
7 thought it was a good thing to flush out the record. The record's important because it's a
8 contested case and it could end up in court. And I'm not familiar -- I was not familiar with
9 this particular aspect in the proposal, and some judge reviewing the case may not be
10 either. It's good that architects know about it and the Planning Board know about it. But
11 the case would be evaluated on the record and if it's not clear to a reviewing court
12 exactly what it is, it may be a problem.

13
14 Councilmember Leventhal,

15 Okay. Depending on the timing, and I'm not clear on the timing of when the building
16 permit is applied for and Councilmember Floreen alluded to this, county law will actually
17 require LEED certification or its equivalent and that will be enforced by the Department
18 of Permitting Services further on down the road. Not during the time that the preliminary
19 plan is before the Planning Board or certainly not as early as the zone is being applied
20 for. So based on the law that this Council passed a few months ago, LEED certification
21 actually would be imposed--LEED certification or its equivalent would actually be
22 imposed as a matter of law on this development. And knowing that now does that in any
23 way affect your recommendation for a remand?

24
25 Mr. Tierney,

26 If that was the only issue, yes, it would. What you're saying is that the applicant doesn't
27 need to amend the development plan to include this because it's required by law.

28
29 Councilmember Leventhal,

30 It is required by law.

31
32 Mr. Tierney,

33 So that wouldn't be an issue. But in recommending the remand, it would be good to
34 have in the record as to what this organization is and what they do.

35
36 Councilmember Leventhal,

37 You mean the U.S. Green Buildings Council.

38
39 Mr. Tierney,

40 Yes.

41
42 Councilmember Leventhal,

43 Okay. I guess I have to ask you also about your recommendation to remand. I mean as
44 I understand the role of the Hearing Examiner it is not to broker a compromise between



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1 the applicant and the community; it is solely, as I understand it, to interpret applicable
2 law and to determine whether the applicant has satisfied applicable law. The fact that
3 community members may have concerns about the mass or the bulk or the imposition
4 on their site line or those issues are certainly important to the community members and
5 important to the Councilmembers who is represent them, but from the standpoint of the
6 Hearing Examiner's role, the Hearing Examiner's role is to determine whether the
7 applicant has satisfied applicable law. Do you agree with that, and do you think that
8 your recommendation to remand is consistent with that?

9
10 Mr. Tierney,

11 I agree with that. The reason that, again, the recommendation for remand would like to
12 look at the issue of bulk. It's an issue in the case because the opposition has made it an
13 issue. It's not our job as you point out to broker this, but it deals with the issue of
14 compatibility and the Council -- all Councilmembers will ultimately determine what you
15 think is compatible. I just felt the record was muddled on this and we could use
16 additional evidence to clarify what the applicant is willing to do to address this issue of
17 compatibility. Otherwise, you would have a case where it's not clear that this proposal is
18 compatible, at least as it affects the villages of Bethesda. And you might determine
19 yourself to send it back for further evaluation to that issue. But sort of anticipating that
20 the record was a little muddled on the issue of compatibility, we recommended that it be
21 remanded to deal with some of these other issues as well as the compatibility issue.

22
23 Councilmember Leventhal,

24 Okay. And I agree the compatibility is a legal standard.

25
26 Mr. Tierney,

27 Right.

28
29 Councilmember Leventhal,

30 And it's relevant. You made reference a few minutes ago to the--a neighbor, I think, of
31 the villages of Bethesda still not being satisfied. It's entirely possible that might never be
32 satisfied and the only question is really whether the applicant has complied with the law.

33
34 Mr. Tierney,

35 Yes, that's true. And we've dealt with cases where applications, or opposition members
36 would never be satisfied with a particular issue. So.

37
38 Councilmember Leventhal,

39 And so what you would be--and so the remand would be--would focus on which specific
40 issues then? If we were to remand this case to you, what would you be concentrating on
41 in the course of that procedure?

42
43 Mr. Tierney,



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1 We would look at four specific issues. One is the minimum density. They haven't
2 specified minimum density. The other is the 65-foot height of that northern building. The
3 other is the West Lane issue. And finally the LEED information Green Building.

4
5 President Praisner,
6 Councilmember Knapp.

7
8 Vice President Knapp,
9 Thank you, Madam President. Thank you, Mr. Tierney, I appreciate your report. I'm
10 looking at circle 63. I think it's the best picture I could find so I'm trying to make sure I
11 understand the relationship of the--term of where the villages of Bethesda are relative to
12 the property in discussion.

13
14 Mr. Tierney,
15 Villages of Bethesda in that particular picture are at the far left.

16
17 Vice President Knapp,
18 Okay. So they are not in this picture. That helps. Okay.

19
20 Mr. Tierney,
21 There may be a better picture that shows them. If you look on the very next page, 64,
22 there's a black and white that shows the villages of Bethesda looking south. The project
23 would be sort of southeast of the villages of Bethesda.

24
25 Vice President Knapp,
26 Okay. My question actually gets back to the transportation piece. We kind of actually
27 had a discussion this morning where we talked about this a little bit. Was there a report
28 required or traffic report or engineer study of required of the applicant.

29
30 Mr. Tierney,
31 Because of the size of the project and the trip generation rates proposed 15 they didn't
32 need to submit a regular local area review. But we're dealing with something that's sort
33 of unusual.

34
35 Vice President Knapp,
36 Uh-huh.

37
38 Mr. Tierney,
39 A very narrow access street, so I think traffic report for this particular case would be
40 appropriate for the Council to have. Because I'm sure you'll be concerned about
41 satisfying yourselves that the access is safe, adequate and efficient.

42
43 Vice President Knapp,



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1 I agree. I guess I'm curious as to how it gets to this point without better information
2 associated with that. I mean, I think the questions that you've raised are fair and
3 legitimate. If it's unclear as to the paving with West Lane and the accessibility of that,
4 I'm just not sure how in this point in the process that kind of information isn't clear.

5
6 Mr. Tierney,

7 Well it could be made clearer, I think, with the remand. The applicant has indicated a
8 couple places where they're willing to do some paving, it's just not clear how wide the
9 paving is going to be. And we also need to know how the traffic is going to interplay
10 with the larger area; how it's going to get onto Montgomery Lane and off Montgomery
11 Lane.

12
13 Vice President Knapp,

14 So you're not suggesting that it should (inaudible) that the access point should not be
15 on West Lane.

16
17 Mr. Tierney,

18 No. There was some testimony that would urge that there be an access point from--
19 directly from Montgomery Lane. I thought the technical staff responded to that in a
20 proper way and a convincing way that there's already an approved access for the un-
21 built TSR Development that's immediately west of this project. And so you would have
22 two garage entrances right next to each other, which may cause--may make the
23 situation much worse. So the West Lane access, if it could be made workable, seems to
24 me to be a good proposal. We're not suggesting they change that, but we need more
25 information about how the West Lane access will work.

26
27 Vice President Knapp,

28 Okay, and are there are specific requirements? I know we've had discussions on the
29 road code; we've had disputes over the course of the last couple of years as to the
30 appropriate width of especially roads in smaller areas like this. Are there--there are I
31 believe requirements that are out for a public safety perspective as to what these widths
32 ought to be. Have they been applied to your knowledge?

33
34 Mr. Tierney,

35 This is not a road that was addressed by the master plan. So there's no
36 recommendation as to desired right-of-way in the plan. But the staff has recommended
37 that the right-of-way be 50 feet. And nobody has really raised an objection to that. The
38 developers proposed--right now the right-of-way is 45 feet. So this particular developer
39 would have to dedicate an additional 2-1/2 feet. The other 2-1/2 feet would come from
40 the other side on current property that's undeveloped or in residential use. And if that is
41 ever developed they would have to dedicate 2-1/2 feet on that side to make up the 50
42 feet.

43
44 Vice President Knapp,



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1 Thank you.

2
3 President Praisner,
4 Councilmember Elrich.

5
6 Councilmember Elrich,
7 Coming back to the question of compatibility; that is part of what you--that your or
8 anybody would have to find is whether or not the project is compatible with the
9 surroundings. Not just a technical compliance of is it 65-feet tall; does it meet a certain
10 set pact, but compatibility fits as well.

11
12 Mr. Tierney,
13 Actually, the council makes that determination. We just make a recommendation as to--
14 and compatibility is sort of a subjective standard. Sometimes it's in the eye of the
15 beholder. It's not always an easy determination to make. But the District Council does
16 make that determination.

17
18 Councilmember Elrich,
19 Okay.

20
21 President Praisner,
22 Councilmember Floreen.

23
24 Councilmember Floreen,
25 Thank you. Mr. Tierney, I'm still struggling with understanding what it is that you're
26 looking for here. Based on the record before you, are you saying that you don't have
27 sufficient information to give us an opinion, a recommendation?

28
29 Mr. Tierney,
30 Yeah, I would say that regarding West Lane, I don't think there's enough information in
31 the record right now--that information may be available--to make a determination that
32 the vehicle access is safe, adequate, and efficient. And that's a finding that has to be
33 made.

34
35 Councilmember Floreen,
36 Yeah. So is that the primary issue?

37
38 Mr. Tierney,
39 It's one of the primary issues.

40
41 Councilmember Floreen,
42 I'm just looking at the order of remand. I mean, I--more specific information about Green
43 Building amenities as Mr. Leventhal has said and as I said earlier, that is an issue that is
44 within the regulatory field that is applicable. And from what I heard you say in answer to



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1 his question, it would be interesting to have, but I'm not hearing you say that that's
2 critical to your recommendation.

3
4 Mr. Tierney,
5 That's right.

6
7 Councilmember Floreen,
8 And then the traffic analysis is the safe and efficient issue which I would concur is
9 critical. But what I don't know is what amount of detail are you requiring? This is not a
10 large project as I gather. It's a maximum of 50 units and it would probably be fewer.

11
12 Mr. Tierney,
13 Maybe 57 units. Fifty market rate units and seven MPDU's.

14
15 Councilmember Floreen,
16 Well I don't know what the record says exactly; I'm looking at the planning staff report
17 that says maximum of 50. Whatever it is, let's agree that it's a maximum and it will
18 depend on unit size and whatever mix they end up with.

19
20 President Praisner,
21 Circle eight says 50 is maximum. Up to 50.

22
23 Councilmember Floreen,
24 I assume that's what you're--in any event it's not on the scale of projects that we see in
25 urban districts, it's not a huge project, and I guess what you're telling us is that because
26 of that, it would not ordinarily do a larger traffic study. So I'm wondering what--since it
27 wouldn't be a standard traffic study, what kind of study would it be?

28
29 Mr. Tierney,
30 It would be a, uh--

31
32 Councilmember Floreen,
33 There's an estimate of the number of trips that would be, you know, they use a
34 standard--

35
36 Mr. Tierney,
37 You would have a traffic engineer develop an estimate of what the proposal would
38 generate. I'd also be interested in the parking. They have 78 spaces there. And there
39 may be--although that will be determined finally at site plan. There may be something
40 less than 78. They have to have a minimum of 60. So some of the questions that were
41 raised that weren't really answered during the hearing was how the traffic that will be
42 generated by this project will be distributed over the road network, particularly the
43 intersection of West Lane and Montgomery Lane.



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1 Councilmember Floreen,
2 But this is a block, I think, from the Metro Station based on your map.

3
4 Mr. Tierney,
5 Yes.

6
7 Councilmember Floreen,
8 So there are X-number of assumptions that, as you know, play into all the analyses and
9 so forth. And we hope they are right. But that's what would be identified. So it goes back
10 to the how West Lane would function, I mean, and there's a number that I think is in
11 there that addresses how that -- what they anticipate the traffic would be -- the vehicles.

12
13 Mr. Tierney,
14 They've estimated 15 vehicles.

15
16 Councilmember Floreen,
17 They've estimated that. And so what would you have -- what more would you want?

18
19 Mr. Tierney,
20 There's no showing of how that traffic is distributed from West Lane to Montgomery
21 Lane and the interaction of the two. And I'm not certain that the 15 -- we really didn't
22 have testimony on this, and how those 15 vehicles were calculated. And we have 10
23 existing, 15 proposed. And so the community didn't have a chance to question the traffic
24 expert on how his conclusions were reached. So we would like to see some evidence
25 that would give us the reasons behind the projection of 15 vehicles and how they are
26 distributed on the road network. And how with this traffic in and out of West Lane, how it
27 can still accommodate emergency vehicles, garbage trucks, and other delivery trucks.

28
29 Councilmember Floreen,
30 Well I'm reading your report and it says on Circle 31, with the exception of West Lane,
31 they submitted evidence to show that the proposed development would not likely
32 generate an adverse impact on transportation services. And I think--what was it about
33 the 10 vehicles? That's what's generated from this site now?

34
35 Mr. Tierney,
36 That's the existing West Lane traffic. According to the applicant's evidence.

37
38 Councilmember Floreen,
39 That would be replaced?

40
41 Mr. Tierney,
42 No, that would be added. So you would take the 15 projected trips, add them to the 10,
43 and presumably there would be 25. But there really wasn't an opportunity to question
44 the reasons that would support those conclusions.



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1
2 Councilmember Floreen,
3 So they submitted evidence and that wasn't sufficient.

4
5 Mr. Tierney,
6 Well I think the opposition raised legitimate questions that it wasn't sufficient. The two
7 members of the community that live on West Lane or have offices there, and their
8 anecdotal testimony raised questions in my mind as to whether or not that traffic would
9 work in the smooth manner that the applicant says it would work.

10
11 Councilmember Praisner,
12 And you have no study is what you're saying to corroborate?

13
14 Mr. Tierney,
15 Right. Yeah.

16
17 Councilmember Floreen,
18 And you didn't request it? You're saying --

19
20 Mr. Tierney,
21 Probably on second thought I probably should have.

22
23 Councilmember Floreen,
24 The absence of that. That is what your question is --

25
26 Mr. Tierney,
27 Yeah.

28
29 Councilmember Floreen,
30 That the traffic study be done. How long were you --

31
32 Mr. Tierney,
33 When I came to the requirements that we -- when I was preparing the report, I had to
34 look at the requirements -- the findings that have to be made, and I just didn't feel that
35 reading the testimony and looking at that findings that there was enough evidence to
36 support that finding.

37
38 Councilmember Floreen,
39 Okay.

40
41 President Praisner,
42 Okay. We're going around again. Councilmember Elrich, Councilmember Leventhal,
43 and then Councilmember Berliner.



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1 Councilmember Elrich,
2 Does the chase have any access to West Lane?

3
4 Mr. Tierney,
5 I'm not sure. Some of them do that are --

6
7 President Praisner,
8 No. No.

9
10 Councilmember Elrich,
11 I can't tell by the cul-de-sac back there.

12
13 Mr. Tierney,
14 West Lane, no. No, it doesn't. Not--Montgomery Lane it may have.

15
16 Councilmember Elrich,
17 Because one of the questions about the trip generation is that there are like six--looks
18 like six or seven houses on West Lane and they are generating 10 trips and then we're
19 saying that 50 in this other thing are going to generate 15 trips. It seems to be
20 disproportionate.

21
22 President Praisner,
23 On Circle 16 you can see where the chase is and you can see West Lane, and you can
24 see that it has no access. It doesn't need to.

25
26 Councilmember Elrich,
27 I couldn't tell what was coming out of that. Such a nice photograph. So I guess I would
28 share some of the concern about how so few units could generate so many trips, you
29 know, over one and a half trips per unit, and then the other 50 units are going to
30 generate one-third of a trip per unit seems to be a little bit of a difference between the
31 two. I guess the other issue on conformity is that it seems that, Park and Planning made
32 a decision apparently to tent down along Montgomery Avenue with the townhouses, and
33 similarly on--where the vill---what is it called, Bethesda Village? Is also, you know, lower
34 level townhouse development. Then you make note of the fact that both of those are
35 below the potential 65-foot height limit. And I think sort of having gone down that road
36 that those set a tone of compatibility for where these units made to fit; that had those
37 been built at 65-foot heights, it would be difficult to argue that this is a compatibility
38 issue. But if you have townhouses on either side of the project that are, you know, well
39 below 65 feet then I think it's legitimate to ask how this project fits in with the projects on
40 the other side of it. And I note they do tent down on Montgomery Avenue side to 40 feet,
41 but on the Bethesda Village side they stay up at 65 feet. And I guess I would share that
42 concern about compatibility on that side of the project.

43
44 Mr. Tierney,



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1 I've been doing these hearings for almost 30 years and every case is a new case, and I
2 learn more with each case. In this particular case I thought Mr. Fiscon's testimony was
3 really pertinent that he was arguing that because of the development in this area you
4 have existing homes that are just there; the single family, two-story homes; and you
5 have high rise buildings, that there's a need for a higher standard of compatibility than
6 you would have in a typical suburban development. The lower density areas you can
7 correct compatibility problems with some mitigation, but if a mistake is made in this
8 particular project it would be very difficult to correct.

9
10 Councilmember Elrich,

11 I would argue that this Council has had a discussion about the infill development and
12 that, you know, how projects technically meet the height and bulk limits of the law but it
13 doesn't make them necessarily compatible, because compatibility is not just simply a
14 physical measurement of the building but it's how it comports with everything else
15 around it. And I think there's a legitimate issue with that.

16
17 President Praisner,
18 Councilmember Leventhal.

19
20 Councilmember Leventhal,

21 Okay, a lot of things have been said that have raised more questions for me. Mr.
22 Tierney, you said that the neighbors had not had the chance to question the
23 assumptions in the traffic engineer's work. Is that routine that neighbor should have the
24 chance to question when the traffic engineer presents his findings?

25
26 Mr. Tierney,

27 At the hearing--people who show up at the hearing are participants in the case. And Ms.
28 Floreen indicated that perhaps I should have asked for it during the hearing and that
29 was an omission on my part. I probably should have. But had that report come in, they
30 would have had the opportunity to ask questions. And they did raise questions in the
31 absence of a witness they raised questions about the traffic.

32
33 Councilmember Leventhal,

34 Okay. I just want to comment. In response to Councilmember Elrich, the conversation
35 we were having about the measurement of infill development primarily has been in the
36 R-60 and R-90 zones where you're talking about the effect of a very large house--
37 single-family house on other single-family houses on the street. And I've been very
38 sympathetic to the concerns of neighbors with respect to height and setback in R-60
39 and R-90 zones, which people make significant purchases expecting that a low rise
40 single-family residential street will remain with a certain character. We're talking here
41 about a rezoning to a TS-R zone which we expect would be substantially urban in
42 nature right at metro. And so I think the neighbors' expectations when they reside right
43 adjacent to the Bethesda Metro Station is going to be different than if they reside in an
44 R-60 or an R-90 zone. Certainly there are issues of what is an appropriate height, what



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1 is an appropriate density and what is compatible, but I don't consider them to be the
2 same issues as those that we've deal with with respect to the measurement of what is
3 35 feet and what is appropriate on the so called mansionization issue. And I guess my
4 last question, Mr. Tierney, is could you specifically for the benefit of the District Council,
5 spell out why you disagree with the findings of the Planning Board. What is it that the
6 Planning Board missed?

7
8 Mr. Tierney,

9 Well, the Planning Board recommended approval and so did the technical staff, and as I
10 indicated earlier, I think this is a good proposal, but the -- there are loose ends that need
11 to be tied up. And those loose ends developed at the hearing. The Planning Board didn't
12 have the opportunity to hear the testimony at the hearing. And a lot of those issues they
13 might never have addressed. Their report is simply a conclusionary (sic) statement and
14 in their view this is a project that should be approved. And generally I would agree with
15 that provided the loose ends can be tied up and we have sufficient evidence in the
16 record to make all the requisite findings the District Council has to make.

17
18 Councilmember Leventhal,

19 Well, I guess as we consider the consequences of a vote to remand, it's important to
20 understand what the effect of the remand might be. And so we've asked, and you've
21 answered, you know, what would be the areas that you would be looking at. The
22 Planning Board report does address the fact that the other adjacent properties other
23 than the townhouses, the Planning Board found to be compatible. And if the Hearing
24 Examiner's goal as part of the remand were to bring down the number of units and the
25 density in size to be more in conformance with one side of the property obviously that
26 mean, you know, less housing availability right at Bethesda Metro. And it would be--it
27 might satisfy the compatibility with one side of whatever this is - tetrahedron, but the
28 other adjacent properties, as the Planning Board staff points out, are substantially
29 larger, both bulkier and taller. And so I guess I'm trying to understand if your goal is to
30 make this project smaller and by, in doing so, provide fewer units; if that's the
31 consequences of voting to remand, that's on my mind as I try and consider how to vote.
32 If it's more an issue of shifting the bulk or, you know, changing the configuration of the
33 bulk, you may not be able to say at this time, but it's relevant to me. Because, of course,
34 it will always be the case that there will be neighbors who want fewer people living next
35 door to them. But it has been generally the policy of the County to concentrate density
36 at Metro. And so I'm just trying to forecast what is the con--if I raise my hand and vote to
37 go along with your recommendation to remand, am I in fact reducing the number of
38 housing units at Bethesda Metro, or is it instead your intent to work on the configuration
39 of the building so that where the height and the density are located on the site has less
40 impact on the townhouses. But that you would generally think the same number of units
41 may be brought online. You may not be able to answer that question, but I'm just trying
42 to understand the consequences of my vote.

43
44 Mr. Tierney,



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1 Well if I could just explain what the developer explained to me. They are asking for 50
2 unites. But that's up to 50 units. They may produce less. They are asking for the
3 flexibility to hold off making a final decision on units. They will stay -- stick with the floor
4 area ratio, the general configuration of the bulk of the building, but they want the
5 flexibility to reduce density if market conditions show that people want larger units so
6 that they would put fewer units in the same space, but they would be larger. That's just -
7 - that's not that the developer would do that, he just wants the flexibility to consider that
8 if market conditions change. Density was not a concern in my mind. I would not look at
9 this and remand to cut density. The density is important because you have the
10 affordable housing units connected with it. And that's an important public interest issue
11 for the Council, and I think you would want that affordable housing at this location. So I
12 didn't address density; I've just addressed some of the compatibility issues and how the
13 building could perhaps be configured in a way that would be more compatible as it faces
14 the villages of Bethesda than it is now.

15
16 President Praisner,

17 Let me just call attention, my colleagues, on Circle 45, that after the Planning Board's
18 recommendations and the Planning Board's staff recommendations, you still had at the
19 discussion comments by the People's Counsel about the concerns of lack of specificity
20 with the document that came to the Hearing Examiner. So although those may or may
21 not have been addressed, the People's Counsel also had concerns at the record level of
22 which the Hearing Examiner was looking at this issue about the lack of specificity with
23 the documents as it related to the design of the projects. So I think it's important to note
24 that.

25
26 Councilmember Leventhal,

27 But since you bring that up, Madam President, it does then say that it was revised to
28 provide specificity.

29
30 President Praisner,

31 No. I understand that but my point--I understand that, but my point was that that--you
32 made reference to the Planning Board and the staff recommending approval, and my
33 only point is that if they made a recommendation approval there were still questions
34 about the details of the documents when it was presented to the Hearing Examiner that
35 was raised by People's Counsel. So from a standpoint of the steps in which we consider
36 this, the only point I was trying to make is in response to your question about the
37 discussion that may have occurred at the Hearing Examiner's level to his satisfaction or
38 to others' satisfaction or not. The point being there were questions raised by others after
39 the Planning Board had considered this. That was the only point I was trying to put in
40 the record. Councilmember, Berliner.

41
42 Councilmember Berliner,

43 Thank you, Madam President. Mr. Tierney, I appreciate you've been doing this for 30
44 years, and you do have a wealth of experience to draw upon. I've been an



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1 administrative lawyer for 24 years, and so I often practice before administrative law
2 judges and take their decisions and contest them all the way, if you will. So it is in that
3 context that I ask this question with the greatest respect. I am looking at your finding, if
4 you will, on Circle 52 in the development plan where you say number 2, the
5 development plan is unclear as to whether the application proposes a compatible form
6 of development. My question to you really is what I heard you say is the you are inclined
7 to say it is incompatible; that's your judgment. It isn't clear to me, based on the record
8 that you have before you, why you couldn't make a finding one way or the other, and so
9 it is as a matter of administrative law I'm struggling with all right if they submitted the
10 exact same information as opposed to what you hoped to get out of the process, as I
11 appreciated your comments that you hoped to in fact hear from the applicant that they
12 would modify their proposal in a way that would make it compatible. So I'm struggling,
13 as a lawyer, looking at this saying are you asking on remand for a modification so that it
14 is compatible. Why did you -- if I read this direct correctly -- shrink from making a
15 determination, or is it really ambiguous?

16
17 Mr. Tierney,

18 I didn't feel I could make a determination because of the state of the record. I just felt
19 that the opposition presented persuasive evidence that the plan as we have it today was
20 not compatible; that we couldn't make an affirmative determination of compatibility
21 although the Planning Board did. The Planning Board and staff both concluded that it
22 was compatible. I am looking for some sort of modification that will make it more
23 compatible than what was before the Planning Board so that the Counsel will have a
24 proposal that you can in clear conscience can say it is compatible, notwithstanding
25 possible lingering objections from the surrounding community. I think the applicant can
26 do a better job. They've done a good job, and I wanted to point out -- mention to the
27 People's Counsel - the People's Counsel played a vital role in this case by raising some
28 of these points during the hearing. And as a result of his comments, the applicant did
29 come up with some 19 different revisions to the development plan that make it a better
30 plan. And all I'm saying is that it may be 90% there, but there's another 10% to go to get
31 to that point where the state of the record is such that the Council could approve this
32 and make all the findings without any doubts that it's compatible, that the traffic system
33 is safe, adequate, and efficient; and it's a proposal that we would like to make a
34 recommendation of approval. I wish I could have done that but there were just -- were
35 these loose ends that I feel need to be addressed.

36
37 Councilmember Berliner,

38 Madam President, as someone who -- this is the first one before us, I appreciate you're
39 allowing us this amount of time with respect to it, because I'm certainly learning and
40 trying to understand what the standard of law is with respect to this and what our
41 obligations are with respect to this. So I appreciate your forbearance.

42
43 President Praisner,

44 That's fine. Councilmember Floreen.



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Councilmember Floreen,

I really am sorry to keep asking these questions but I think it's important to understand and for the community to understand whatever it is to be expected on a remand. And I have to admit I didn't memorize your report before I came in here, but you indicate there was a qualified expert witness in the field of the transportation planning who appeared before you. So he told you whatever he told you and you outlined that.

Mr. Tierney,
Mr. (inaudible)

Councilmember Floreen,

Mr. Curod, or something of that nature. So you did have an expert.

Mr. Tierney,
But he didn't do a report.

Councilmember Floreen,

Well he testified. And then the--apparently there was a rebuttal filed. I'm looking at Circle 47, which said that what's being proposed is an eight-trip net increase over the trips generated today by the existing action on the property. Apparently there's an existing special exception there. That's on page 42 of your report down at the bottom.

Mr. Tierney,
Uh-huh.

Councilmember Floreen,

So I'm just trying to -- again, I hate to belabor this, but this is going to be a debate over eight trips? And where--in an hour? Or two? However that's interpreted. This is going to be a report on how eight vehicles are going to move in the course of an hour? That's what you're asking for?

Mr. Tierney,
I'm looking for some sort of evidence to show how the trips -- the 25 trips --

Councilmember Floreen,

These are eight cars that are coming over and above what apparently is currently generated.

Mr. Tierney,

They have -- the evidence shows that there's 10 existing trips. That was what the applicant put in. Not necessarily -- the eight trips is dealing with traffic from an existing special exception use but there must be two other trips that the applicant --



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1 Councilmember Floreen,
2 Well, whatever. It's a small number I think we can agree.

3
4 Mr. Tierney,
5 Ten existing trips and then 15 projected trips, so that's 25. And in this small road, if it
6 was on Wisconsin Avenue or something like that it would be lost in the volume of traffic.
7 But this is a small road that has a lot of configuration problems, sharp turns, and it's
8 being used for everything; for emergency vehicles to commercial vehicles to residential
9 traffic. And I just think the applicant can do a better job explaining how that's going to be
10 distributed over the road network.

11
12 Councilmember Floreen,
13 But that's about -- still it's a very small number of vehicles in the course of a time period
14 that we all care about during the peak hour.

15
16 Mr. Tierney,
17 It's a small number of trips, but the area they will be going over is very small too.

18
19 Councilmember Floreen,
20 It's basically going out a driveway to the main street. I mean, I think you could agree
21 that's what West Street is like. It's basically going to be --

22
23 Mr. Tierney,
24 It's described as -- the opposition described it as an alley.

25
26 Councilmember Floreen,
27 Yeah.

28
29 Councilmember Trachtenberg
30 That's pretty much what it is.

31
32 Councilmember Floreen,
33 It's a narrow roadway. But it's a minimal -- and you think there's going to be some sort of
34 study that's going to show -- we can all just imagine what that would be. Because it
35 doesn't rise to the level of how these --

36
37 Mr. Tierney,
38 It's more than just the movement of the cars, it's also movement of the cars over the
39 roadway as it is to be improved in the future; an improvement that the record doesn't
40 show when it's going to happen. So we need to have evidence in the record to show
41 when this road improvement is going to take place and then how the vehicles are going
42 to move over that in a way that you can determine it's safe, adequate, and efficient.

43
44 Councilmember Floreen,



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1 And I guess my question for you is I would really like you to think about your role vis-à-
2 vis the other, I mean, there are like five other steps in this process, at least three.
3 There's several other hearings and very detailed kinds of reports that need to be
4 produced after a zoning case is decided. And I'm just trying to understand from
5 everybody's perspective what it is that you think will be produced in this remand that
6 would be different from what you have in front of you, really; and that would really be
7 any different from the ultimate preliminary and site plan reviews that would have to
8 occur. I think in any case in this project. You've already said you have no trouble with
9 the number of units. As you know, these projects do get mushed (sic) around in the
10 process of further detailed review. And what -- I'm a little concerned is that folks are now
11 sort of requiring preliminary and site plan details in zoning case, because everyone
12 wants to know exactly how it's going to work; no question about that. And these are very
13 valid concerns. But as a policy matter how we address that at the zoning level I think is
14 something that needs to be clear from the community's perspective certainly. What is
15 the issue I'm going to take up with Mr. Tierney? What is the issue I'm going to take up
16 with the site plan reviewer in a year or two from now? And from this report, I am not at
17 all clear on what I would tell a community member based on your advice to us.

18
19 Mr. Tierney,

20 Uh-huh. I think the most important thing is to get clear the improvements that will be
21 made to West Lane. I don't think they are clear on the record right now when they are
22 going to be made. Zoning is the stage of the process where the government has the
23 most leverage to acquire dedications and improvements. And if we don't do it here, it
24 may not be done. So I think it's important that --

25
26 Councilmember Floreen,

27 So you're talking about the pavement, the actual physical pavement.

28
29 Mr. Tierney,

30 Yeah, the road, how wide it's going to be --

31
32 Councilmember Floreen,

33 (inaudible)

34
35 Mr. Tierney,

36 And when it's going to be paved, and who's going to do it. I think all those questions
37 are not clear to me from the record.

38
39 Councilmember Floreen,

40 Well the questions is would they ordinarily be clear at this stage.

41
42 Mr. Tierney,

43 Generally, yes. If the developer is going to do it they usually say when and/or if it's a
44 joint project; if county DOT is going to participate. There's usually evidence that that's



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1 going to happen. This is just matters that really should be in the record, and before you
2 so you can make your decision and have a development plan that requires the
3 developers to do certain things.

4
5 Councilmember Floreen,

6 All right. I understand what you're saying. I guess I'm not persuaded that there isn't the
7 appropriate amount of information in the record for you to tell us what you think. I mean
8 if you don't think this is sufficient to support a recommendation, that's basically what
9 you're telling us. I mean you could say this doesn't work for me. Don't do this. And I'm
10 just not sure what more information you're going to have provided to you that will allow
11 you to say a whole lot more than what's already in your report or that anyone would
12 know exactly when, you know, X-number of things will occur to everybody's, you know,
13 ultimate satisfaction. I guess you're more of an optimist than I am, Mr. Tierney. Thank
14 you.

15
16 President Praisner,

17 Okay. I see no further lights. I wonder if there are any motions in front of the Council for
18 consideration. Mr. Berliner.

19
20 Councilmember Berliner,

21 Madam Chairman, I would like to make a motion. I would like to discuss the possibility
22 of some amendments to the order on remand that we have before us in light of the
23 conversation --

24
25 President Praisner,

26 You can make whatever motion the documents in front of us.

27
28 Councilmember Berliner,

29 In light of the conversation we've had. And I wonder whether or not as Councilmember
30 Floreen and Leventhal indicated, the extent to which one needs more specific
31 information about Green Building amenities if we could potentially strike that, because I
32 don't believe it's necessary unless we hear from the Examiner that it's critical for his
33 determination with respect to Green Roofs, which I understood was the link to this
34 issue. But as I understood it, they made a commitment to you with respect to Green
35 Roofs. That's not ambiguous. You were just looking for the larger context in which that
36 came about?

37
38 Mr. Tierney,

39 No they didn't make a commitment for Green Roofs.

40
41 Councilmember Berliner,

42 They did not?

43
44 Mr. Tierney,



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1 No. They said that would do the certification. That was why I was concerned because
2 the engineering testimony relied on the Green Roofs. The Green Roofs are something
3 that they are contemplating. But the decision on the Green Roofs will be made at the
4 site plan stage.

5
6 Councilmember Berliner,
7 I guess I'm convinced --

8
9 President Praisner,
10 Storm water management is the issue for this consideration.

11
12 Mr. Tierney,
13 If the person that was testifying about storm water management didn't testify that he
14 was relying on the Green Roofs, I wouldn't have a problem.

15
16 Councilmember Berliner,
17 Okay, so it is in fact the relationship of when they made their application they said to
18 you for purposes of addressing storm water management, we are going to have a
19 Green Roof.

20
21 Mr. Tierney,
22 Yes.

23
24 Councilmember Berliner,
25 Is that correct?

26
27 Mr. Tierney,
28 More or less, yeah.

29
30 Councilmember Berliner,
31 And what you said is if you're going to rely on Green Roof, tell me how you're going to
32 do it. And then they said but we're not committing to a Green Roof. So on the one hand
33 they said they're relying on Green Roofs but then they said we're not committing to
34 Green Roofs?

35
36 Mr. Tierney,
37 That's--as I understand the position.

38
39 President Praisner,
40 On Circle 29 is the Green Building reference at least in the summary of--and the text it
41 refers to binding elements that Green Building elements will be part of the basis for final
42 design at site plan although he says the details are not specified. It was at that point I
43 believe that the applicant filed the modification that it would seek the lien certification as
44 a Green Building.



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Councilmember Berliner,

And as my colleague points out, they are going to have to have a Green Building certification to go forward. So it seems irrelevant for this proceeding with respect to that since they will be required to do that which you're uncertain of.

Mr. Tierney,

Well, it's--they're required to have the lien certification by law.

Councilmember Berliner,

And he's right.

Mr. Tierney,

And that eliminates what they need to do or what they said they were going to do. But it doesn't eliminate the problem--the evidentiary problem of the environmental engineer testifying that we're relying on the Green Roof and the Green Roof is not something that's part of the development plan now as a direct -- maybe on remand we can go back and sort this out. Maybe the environmental engineer will not rely on the Green Roof.

Councilmember Leventhal,

Madam President, Perhaps it would serve if Mr. Berliner could make his motion.

President Praisner,

Right.

Councilmember Leventhal,

And so that we could understand the proposal he's putting before us and then if the Hearing Examiner wishes to comment on that motion that would be in order. But if we could let Mr. Berliner complete his motion.

Councilmember Berliner,

Well, I appreciate my colleague's query and I was contemplating amending it and seeking clarification from the Hearing Examiner for purposes of amending it. And I guess at this juncture; I apologize and if it's inappropriate I need another clarification for purposes of potential amendments.

Unidentified,

Go right ahead. Go ahead.

Councilmember Berliner,

With respect to the order on remand before us it speaks to building mass and I don't know if there's a distinction between building mass and building height because it seemed as though your concern was the height of the particular building at a certain



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1 place as opposed to mass generally. So I need clarification as to whether there's a
2 distinction here that is important.

3
4 Mr. Tierney,
5 I think height would be included within mass.

6
7 Councilmember Berliner,
8 Height would be included within mass. Are you concerned about mass or were you
9 concerned about height? In the compatibility issue as it pertained to you?

10
11 Mr. Tierney,
12 If the applicant would -- could provide other things that would ameliorate the building
13 mass as it faced the building, the villages of Bethesda, height might not be a concern.

14
15 Councilmember Berliner,
16 But it is mass that you were concerned about. That's my question. All right. Well there
17 may be some technical amendments that are appropriate here with respect to the
18 Green Building amenities and limiting that to as it pertains to storm water management.

19
20 Unidentified,
21 Fine.

22
23 Councilmember Berliner,
24 So I would amend it so that whatever information you are seeking with respect to Green
25 Building amenities is directly tied to the evidentiary issue that you discussed which was
26 that it was unclear as to how they could comply with their storm water management plan
27 if it relied on Green Roofs. And I'm going to leave it alone other than that and just move
28 that for remand with that modest modification.

29
30 President Praisner,
31 Okay. It's been moved and seconded that the application be remanded and the only
32 modification to the order of remand on Circle 1 relates to the specificity of information
33 about Green Building amenities as it relates to storm water management. And in the
34 context of the term "mass" is the understanding that height is a component of that.
35 Okay. It's been moved and seconded that that be the action of the Council. I see two
36 lights. Councilmember Knapp and then Councilmember Leventhal.

37
38 Vice President Knapp,
39 Thank you, Madam President. I--given the conversation we just had as it relates to
40 traffic analysis, I'm not sure that what the Hearing Examiner is suggesting is a full traffic
41 analysis as much as addition binding elements pertaining to the site access through
42 West Lane. And so I would offer a second (inaudible) amendment that would eliminate a
43 traffic analysis and just have additional binding elements associated with that as well.



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1 President Praisner,
2 I will make -- interpret that as an amendment --

3
4 Vice President Knapp,
5 Friendly amendment.

6
7 President Praisner,
8 Friendly amendment to the motion in front of us. Is there any objection to that?

9
10 Unidentified,
11 I consider it friendly as well.

12
13 President Praisner,
14 Okay then we will incorporate that without a vote into -- okay with the seconder?

15
16 Unidentified,
17 (inaudible)

18
19 President Praisner,
20 Okay so the motion in front of us now eliminates the word analysis traffic -- traffic review
21 pertaining to site access through West Lane. Is that consistent with what your motion
22 would have done? Anyone have any objections to that language? Councilmember
23 Leventhal.

24
25 Councilmember Leventhal,
26 We'd had some side discussion about the building mass as it impacts the adjacent
27 villages of Bethesda and I guess understanding where the Hearing Examiner is going,
28 or where he says he's going, I can live with that language. My two colleagues were
29 busily working on the motion before it was offered and they've decided not to touch that.
30 I mean clearly issues of compatibility relate not only to one adjacent parcel but all the
31 surrounding parcels. And I'm prepared to vote for this motion because I've heard here
32 from the Hearing Examiner that it is not his goal to reduce the number of units. In other
33 words, we're not going to turn a multiunit development into townhouses. Even though
34 there are townhouses next door. And so taking it on faith that we're simply trying to
35 reconfigure the mass, not reduce the mass. That we're simply trying to change the
36 impact on the townhouses so that it is more pleasing aesthetically or less injurious to
37 their enjoyment of light and air and all of these things without reducing the number of
38 housing units, then I'm prepared to vote for this motion knowing full well that once the
39 remand is complete the Hearing Examiner will come back before the Council; and that
40 in my judgment it should not be our role to reduce density at a metro station simply
41 because there may be townhouses there that might prefer that metro station policy area
42 more resembles something other than a metro station policy area. And people move
43 next door to metro knowing that metro is there and we're going to plan our communities
44 in such a way that we mass the largest amount of density in metro station policy areas,



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1 and understanding that the Hearing Examiner himself has said that this is appropriate
2 for rezoning to a TS-R zone and that there are certain expectations that go along with a
3 TS-R zone. So with those expectations, all of which are taken from what the Hearing
4 Examiner has said here today, I'm prepared to vote for the motion. And I thank Mr.
5 Berliner and Mr. Knapp and all my colleagues for their effort.

6
7 President Praisner,
8 Okay. Councilmember Floreen.

9
10 Councilmember Floreen,
11 Thank you, Madam President. I just wanted to say I appreciate the Hearing Examiner's
12 good efforts here, but I think a motion to remand this sends a wrong message to the
13 community that this is somehow going to be changed in some sort of significant way. It's
14 going to add cost to the project. Certainly, it's going to add time. I think we have enough
15 information in front of us to make a decision, and that's what a remand should be about;
16 having--making sure the Council knows what it needs to know in the general terms to
17 understand how a project can fit in or not with a community. And I think we need to be
18 careful about the use of remand in these kinds of cases unless there's really something
19 that we see as significant impediments to decision making. A real genuine debate, I
20 think that's a valid reason for remand. But tying up loose ends, to me at least, doesn't
21 sound like the best use of a highly qualified professional's time like yourself, Mr.
22 Tierney.

23
24 President Praisner,
25 Okay. Councilmember Elrich last comment before we vote.

26
27 Councilmember Elrich,
28 I just want to say that I will vote on this but my vote will be based on the written record in
29 front of me.

30
31 President Praisner,
32 Okay, roll call vote, Madam Clerk.

33
34 Council Clerk,
35 Ms. Ervin.

36
37 Councilmember Ervin,
38 Yes.

39
40 Council Clerk,
41 Mr. Elrich.

42
43 Councilmember Elrich,
44 Yes.



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1
2 Council Clerk,
3 Ms. Floreen.

4
5 Councilmember Floreen,
6 (inaudible)

7
8 Council Clerk,
9 Ms. Trachtenberg.

10
11 Councilmember Trachtenberg,
12 Yes.

13
14 Council Clerk,
15 Mr. Leventhal.

16
17 Councilmember Leventhal,
18 Yes.

19
20 Council Clerk,
21 Mr. Andrews.

22
23 Councilmember Andrews,
24 Yes.

25
26 Council Clerk,
27 Mr. Berliner.

28
29 Councilmember Berliner,
30 Yes.

31
32 Council Clerk,
33 Mr. Knapp.

34
35 Vice President Knapp,
36 Yes.

37
38 Council Clerk,
39 Ms. Praisner.

40
41 President Praisner,
42 Yes. Thank you. That action passes 8-1. We're now at Development Plan Amendment
43 DPA 07-1. This has no Hearing Examiner report but does require a motion and Council



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1 action. Since there is no report, I don't know what comments the Hearing Examiner
2 might want to make.

3
4 Francoise Carrier,
5 Only that the applicant's Council pointed out to me a typo on page 2 of the resolution.
6 The area of the larger tract that would be affected by this Development Plan
7 Amendment is 1.63 acres and that is correctly cited on Circle 1. On Circle 2, three feet
8 up from the bottom, it says a 1.68-acre site. So that would need to be corrected.

9
10 President Praisner,
11 On actually Circle 1 it says the 618. That's a different reference?

12
13 Francoise Carrier,
14 On the last line on Circle 1 it says 1.63 acres.

15
16 President Praisner,
17 Right, okay.

18
19 Francoise Carrier,
20 Yes, 618 is the entire site; 1.63 acres is the small area affected by the DPA.

21
22 President Praisner,
23 Right. Okay. I see no lights. So the Council will need a motion to consider this.
24 Councilmember Elrich moves approval. Councilmember Trachtenberg seconds the
25 motion. This is --

26
27 Unidentified,
28 (inaudible)

29
30 President Praisner,
31 Oh, I'm sorry. Well --

32
33 Francoise Carrier,
34 She did. I heard her.

35
36 President Praisner,
37 Joint second. It's Councilmember Elrich's booming voice. Roll call vote, please.

38
39 Council Clerk,
40 Ms. Ervin.

41
42 Councilmember Ervin,
43 Yes.



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1 Council Clerk,
2 Mr. Elrich.
3
4 Councilmember Elrich,
5 Yes.
6
7 Council Clerk,
8 Ms. Floreen.
9
10 Councilmember Floreen,
11 Yes.
12
13 Council Clerk,
14 Ms. Trachtenberg.
15
16 Councilmember Trachtenberg,
17 Yes.
18
19 Council Clerk,
20 Mr. Leventhal.
21
22 Councilmember Leventhal,
23 Yes.
24
25 Council Clerk,
26 Mr. Andrews.
27
28 Councilmember Andrews,
29 Yes.
30
31 Council Clerk,
32 Mr. Berliner.
33
34 Councilmember Berliner,
35 Yes.
36
37 Council Clerk,
38 Mr. Knapp.
39
40 Vice President Knapp,
41 Yes.
42
43 Council Clerk,
44 Ms. Praisner.



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1
2 President Praisner,
3 Yes. The motion carries 9-0. Our last item for the morning is introduction of a resolution
4 to amend the Annual Fee for Enforcement of Special Exceptions sponsored by the
5 District Council at the request of the County Executive. Public hearing is scheduled for
6 April 10th at 1:30 p.m. I need a motion.
7
8 Councilmember Elrich,
9 (inaudible)
10
11 President Praisner,
12 Councilmember Elrich. Is there a second.
13
14 Councilmember Ervin,
15 (inaudible)
16
17 President Praisner,
18 Councilmember--you're on a roll. Okay. The motion is before us. Made by
19 Councilmember Elrich, and seconded by Councilmember Ervin. All in favor. It is
20 unanimous. We stand in recess. I would remind my colleagues that this afternoon's
21 session and hearings will be held in the third floor hearing room in order to
22 accommodate the Board of Education at 2:00. Also, tell my colleagues that the League
23 of Women Voters has invited some visitors from Kenya who are here to be present for
24 this afternoon's session. So if Councilmembers would like to say hello, the women will
25 be in the sixth floor conference room at about 1:15. Thank you.

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TRANSCRIPT
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MONTGOMERY COUNTY COUNCIL

Marilyn J. Praisner, President	Councilmember Elrich
Councilmember Trachtenberg	Councilmember Leventhal
Councilmember Ervin	Councilmember Floreen
Councilmember Knapp	Councilmember Berliner



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1 Council President Praisner,
2 -controls and offsite spill. Require a person to obtain approval of a lighting plan from the
3 Department of Permitting Services before applying to the Planning Board for site plan
4 and approval or to the Board of Appeals for a special exception. Require applicants for
5 certain types of building permits, electrical permits and use and occupancy permits to
6 submit a lighting plan to the Department of Permitting Services for approval. Create
7 certain exemptions. Authorize the Director of Department of Permitting Services to allow
8 certain types of modifications, establish certain penalties, establish a compliance
9 deadline for existing outdoor lighting and generally amend the law regarding outdoor
10 lighting in the County. A Transportation Environment Committee worksession is
11 tentatively scheduled for April 12th at 9:30 a.m. Additional materials for the Council's
12 consideration should be submitted by the close of business Friday, March 30th. This is
13 also a Public Hearing on Zoning Text Amendment 07-01 Outdoor Lighting Standards,
14 which would make standards and procedures governing outdoor lighting consistent with
15 the County Light Control Law created in Bill 4-07. Require nonconforming lighting to
16 comply with the County Light Control Law by a certain date and generally amend
17 provisions relating to outdoor lighting. Additional material for the Council's consideration
18 should be submitted by the close of business Friday, March 30th. A Planning, Housing
19 and Economic Development Committee worksession will be scheduled at a later date.
20 Before beginning your presentation, please state your name clearly for the record. We
21 have three panels on this legislation. We'll start with group A, Greg Russ, Mayor Peter
22 Fosselman from the town of Kensington, I don't see Pete, and Handi Mansouri from the
23 County Executive's office. Oh, there he is. Welcome. And Mr. Mansouri, you're first. You
24 may begin.

25
26 Handi Mansouri,
27 Good afternoon. My name is Handi Mansouri. I am speaking today on behalf of County
28 Executive Isaiah Leggett in support of Bill 4-07 Outdoor Lighting Standards Established
29 and ZTA 07-01 Outdoor Lighting Standards. The County Executive supports the core of
30 these two piece of legislation which are designed to reduce light pollution and excessive
31 energy consumption from exterior lighting in Montgomery County. In addition to
32 establishing a County policy, this legislation will permit reasonable uses of outdoor
33 lighting for nighttime safety and security, commerce, conserves energy and resources,
34 minimize, offset, minimize adverse, offset impacts including glare and light trespass,
35 restrict light pollution, reserve the degradations of the nighttime environment and help
36 preserve the night sky for astronomy and enjoyment. The County Executive is
37 concerned about the cost that would have to be incurred to bring the existing facility and
38 infrastructure into compliance. The resources necessary for the County to implement
39 the legislation and changing the outdoor lighting technology and its implications for this
40 legislation. The estimated cost to the County for making required changes under the
41 timeframe in the current legislation, will be nearly \$50 million over five years, not
42 including the cost of bringing the County facility into compliance. We would like to work
43 with the County Council to revise the legislation to include a reasonable implementation
44 schedule and a scope of enforcement to accommodate the County's resources and to



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1 move the technical detail from legislation to executive regulation process. The
2 resources needed to implement this legislation as proposed would compete with other
3 priorities the Council has identified including County's existing infrastructure mentioned -
4 -. We would also very strongly recommend seeking recommendation from an outdoor
5 lighting professional. Since this is a new field and the standards are evolving, we have
6 an opportunity to create a standard that will benefit all of Montgomery County. Thank
7 you for the opportunity to present our view. We look forward to working with the Council
8 to enact and implement this legislation.

9
10 Council President Praisner,
11 Thank you. Mr. Russ.

12
13 Greg Russ,
14 Thank you Madame President. For the record, Greg Russ from Montgomery County
15 Planning Board. The Montgomery County Planning Board reviewed Bill 04-1 and Zoning
16 Text Amendment numbers 07-01 at its regular meeting on March 15th, 2007. The Board
17 supports the legislative objective of reducing excessive and inefficient outdoor lighting,
18 but believes that there are associated issues that need additional work. The Board
19 unanimously recommends that a meeting be convened of representatives of this
20 agency, the Park and Planning, the Department of Environmental Protection, the
21 Department of Permitting Services, and outdoor lighting professionals to address issues
22 raised in the staff report. The issues that are of most concern include, lumens versus
23 watts as a unit of measure, lighting standards as they pertain to recreational facilities,
24 safety and security, lighting plan approval and the exemption process, and the effect of
25 the January 1st, 2013 compliance deadline for existing lighting. In addition the technical
26 staff identified unintended consequences that may result from certain provisions of the
27 Bill. The Board was particularly concerned over the requirement that a person must
28 obtain DPS approval of a lighting plan before applying to the Planning Board for site
29 plan approval or the Board of Appeals for a special exception. The lighting plan should
30 be considered in conjunction with and as part of the site plan. Because until there is a
31 site plan, lighting requirements cannot be adequately determined. If the Planning Board
32 recommends changes to the submitted site plan, the lighting plan would then have to go
33 back to DPS for review and approval creating an unnecessary step in the approval
34 process. The Board believes the proposed lighting plan approval process needs
35 refinement and that analogy to the Storm Water Management concept plan approval
36 process is not the appropriate model for this purpose. The Board also questions the use
37 of incandescent lights versus other types of lights. We'd be happy to work with the
38 Council on this. Thank you.

39
40 Council President Praisner,
41 Thank you. Mayor Fosselman from the town of Kensington.

42
43 Mayor Peter Fosselman,



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1 Good afternoon President Praisner, Councilmembers. Thank you for taking the time
2 today to hear us. The town of Kensington, as you know, has a very large commercial
3 area and our residential zones are in close proximity. So this Bill is extremely important
4 to the town. We are here today to support this Bill and the Text Amendment. We've
5 been working on our outdoor lighting and making progress with it for nearly a decade
6 now. This bill the County is proposing compliments the efforts the town is trying to
7 make. This month, the General Assembly passed a street lighting reform Bill,
8 championed by Kensington officials. The state Bill promises to make street lighting
9 efficiency upgrades financially attractive to local governments such as the town of
10 Kensington. This Bill also compliments the state's Bill. Kensington recently joined
11 several other municipalities in signing the Mayor's Climate Protection Agreement. The
12 County's Outdoor Lighting Bill also compliments this effort. The town's Council voted to
13 support Bill 4-07 and the Zoning Text Amendment 7-01 just last night with our
14 underlying goals because they will help to improve the quality of life. Better lighting
15 standards will support our efforts to revitalize commercial areas, improve pedestrian
16 safety and address environmental concerns. The town of Kensington fully supports this
17 Bill and the Text Amendment and we urge the Council to do the same, thank you.

18
19 Council President Praisner,

20 Thank you, very much. Let me make a couple of comments as the chief sponsor of the
21 legislation. Because I appreciate that it is a complicated issue. And there will, in all
22 likelihood, be modifications both to the Zoning Text Amendment and to the legislation
23 when it's introduced. But having worked on this issue for several years and had the
24 benefit of significant input from both consumers and experts on lighting, I think, and
25 having tried to see the Milky Way for any number of years and failed in this area and
26 looking out my window or driving up my road seeing the spillover of light that is nowhere
27 focused on where it needs to be in order to achieve the purposes of safety that are
28 associated with lighting in the evening. It's something that I think compliments a whole
29 variety of other environmental, energy efficient, and a whole host of other issues that we
30 need to address and have tried to address in this Council. It's an environmentally logical
31 approach. It's also, I think, critical from an energy perspective. I fully appreciate that this
32 will not be approved in one motion or one fell swoop because there are lots of issues.
33 But having traveled the County, visited car dealerships and other places where lighting
34 is controlled and contained on site and can be done, the question for me is one of the
35 length of time for implementation and cost issues, especially. I know we'll work through
36 those. But there are ways to both light and protect and still be responsive from an
37 energy perspective, from a cost energy perspective, and from an environmental
38 perspective. So, I know this is the beginning for many folks who have not looked at this
39 issue. But for me and my staff and for those who have worked with us on this
40 legislation, this has been a long time in coming. So I hope that we can proceed by
41 looking at this in a serious and deliberative way. Let me also comment, that we have
42 guests in the audience from Kenya who are here with the League of Women Voters of
43 Montgomery County observing local government. Welcome to all of you. Thank you for
44 including us on your journey. And we look forward to the opportunity to continue this



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1 dialogue in conversation beyond today. Thank you. Thank you all very much. I see no
2 lights. Our second group is Jerry Waldbaum, Harold Williams from National Capital
3 Astronomers, Judy Koenick and Tom Corbin. And Jerry, you're first. Mr. Waldbaum isn't
4 here, I don't believe. Mr. Williams? Push the button in front of you and you may begin.
5 You have three minutes. Yes? That's it.

6
7 Harold Williams,

8 Okay. I'm Dr. Harold Williams. I reside at 818 Richmond Avenue, Silver Spring,
9 Maryland 20910 in Montgomery County. I'm the President of the National Capital
10 Astronomers. That is an organization of professional and amateur astronomers founded
11 in 1937 in the Washington metro area. I'm also employed by Montgomery College
12 where I am the Planetarium Coordinator and the Physics and Geology Lab Coordinator
13 in the Physical Science Department at the Takoma Park Silver Spring campus, a staff
14 position and an adjunct professor teaching AS101 Introductory Astronomy in the
15 planetarium for the last 17 years. I'm also the Vice-President of Montgomery College
16 Staff Union as the local 23-80 and have a PhD in astrophysics from LSU in Baton
17 Rouge. My doctoral dissertation was star formation using 3-D explicit Eulerian
18 Hydrodynamics. I have read both documents and I like what I've seen. Specifically, the
19 2,000 lumen kick in which will allow people to have holiday lights to not be bothered by
20 this which is very good. The 600 lumens per watt efficiency will save the County and
21 community money and reduce greenhouse gas emissions. The IECC International
22 Energy Conservation Code adopted by the County under Section 8.13 is very good.
23 Putting the standard of IESNA, the Illumination Engineering Society of America and
24 requiring recommended practice, even better than excellent. Requiring a color rendition
25 index of at least 20, means I will be able to identify my car by its color while in a parking
26 lot. My former red van will appear red and not golden gray as it did in the Rockville
27 Campus parking lot. Lit only by low pressure sodium lights. As an astronomer, I
28 appreciate low pressure sodium lights, as an urban person living in downtown Silver
29 Spring I also want to be able to find my vehicle and want my neighbors to be able to do
30 the same. Although, as a current aside, my current van, which I use to haul college
31 telescopes and star parties in the County for elementary, middle school and high
32 school, is golden gray. The requirements that the outdoor lighting fixtures must be
33 turned off during the daylight hours will save the County money. This morning I saw a
34 light fixture on Fenton Street next to the college that the County was paying for in Silver
35 Spring violating the sensible rule. The 7,000 lumen and 14,000 lumen difference in the
36 law would keep this law from being burdensome to small businesses and small changes
37 in outdoor lighting. In closing I look forward to the adoption of this Bill and the
38 improvement of County lighting that will start occurring January 1st, 2008. And the
39 reasonable grandfather clause that will make everything up to code by January 1st,
40 2013, seven years later. If you adopt this law, I expect to be able to see the Milky Way
41 at least overhead in downtown Silver Spring and Valerie Ervin's District 5 where I live by
42 January 1, 2013 like in downtown Tucson, Arizona and further.

43
44 Council President Praisner,



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1 Finish your sentence.

2
3 Harold Williams,

4 Okay. I expect to be able to see it in Woodacre. And also in Mike Knapp's area, which is
5 the darkest area in the County which we need to preserve.

6
7 Council President Praisner,

8 Thank you, very much Dr. Williams. And, if you have copies of your testimony -- Okay.

9 Judy Koenick. Judy, you need to push the button for me. Yeah.

10
11 Judy Koenick,

12 Hi my name is Judy Koenick. I'm here to testify on this issue involving the outdoor
13 lighting. Specifically I will ask the question, will this apply to Park and Planning
14 Commission? Alright. If it applies to Park and Planning Commission under anyone, I
15 can't understand why you're going to go from 2007 to 2013 for compliance. Reasonably
16 expect they should be able to do compliance within two years. If they can't, then there's
17 something wrong with their community or their business or the people. And also to rely
18 on professional-like people to come up with a reasonable plan is asinine. It also has to
19 have significant community input. You've all seen this because I've been here now for
20 five years. Ms. Floreen, you told -- four years, at least four years on it. You've told me
21 on multiple occasions that you're really upset with it. I don't know how to be as polite as
22 possible and say, you're upset with it, but you haven't done a blank, blank, blank thing
23 about it. I'd like to know Mr. Leventhal and each of you, if any of you have been out
24 there at nighttime and actually and seen the lights at the Meadowbrook Stables. This
25 can be seen over a thousand feet away. When you come down my street towards that,
26 you're blinded by these when you're driving. When you come in, you're driving. Now, on
27 December 6, 2001, the Commission approved a redevelopment expansion plan of the
28 stables financed by a 2 million-dollar plus bribe, I use that word loosely or probably very
29 appropriately, by David G. Bradley. Meadowbrook Associates claimed that they would
30 maintain the rustic setting, had shared their plans with the community in addition to
31 numerous other improvements. The Commission bought the plan hook line and sinker.
32 They deliberately misled the Commission and the public. Control the dust, what a joke.
33 Protect the trees, they cut down 75 and then killed more. Protect Rock Creek, if you've
34 seen what happened this past weekend, protect it, they don't know what the word is.
35 Protect the historic site, never happened. Without our knowledge, up went dozens and
36 dozens of 30 foot high light poles plus others. Mr. Leventhal, do you find, I don't see
37 why, I get the impression you're laughing. With each of these having a 1,000 metal --
38 light bulb. Then other poles went up also. The lights invade the homes and are visible a
39 thousand feet from site. Neither the Commission, David Bradley nor the County Council
40 have done anything about the lights. Historic Preservation Commission told
41 Meadowbrook Foundation over 18 months ago to develop a new lighting plan. No such
42 plan has been developed as of last week and HPC sits on its duff doing nothing. For
43 those of you that don't know that's Historic Preservation Commission. Part of this area is
44 a historic site and the lighting is obscene and nothing has been done about it. Again, I



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1 remind you, there was no mention whatsoever to us about any lighting. Their plans did
2 not show the lighting. You've seen this now for years and I would like to know why
3 you're going to give them another seven years and why you haven't done anything now.
4 And quite frankly, I would like an answer to who's been down there to see it and why
5 this continues to go on and nothing gets done about it?

6
7 Council President Praisner,
8 Thank you Judy.

9
10 Judy Koenick,
11 No answer. That's what I thought.

12
13 Council President Praisner,
14 It's a Public Hearing, Judy. And your time is up. We will comment after we get questions
15 of the panel. Mr. Corbin.

16
17 Tom Corbin,
18 I'm Dr. Thomas Corbin, member of the American Astronomical Society. I served as a
19 Commission President in the International Astronomical Union and have been the head
20 of a division, the Cataloging Division at the U.S. Naval Observatory where I worked for
21 36 years. When I came here to this area in 1964 and subsequently to my current home
22 in north Chevy Chase in 1971, the Milky Way was clearly visible from north Chevy
23 Chase. All the stars of the little dipper were visible from the grounds of the Naval
24 Observatory. Since then, there's been a steady and obvious deterioration in our sky
25 conditions. In the little dipper now only three of the stars are visible from my area.
26 Asterisms like the northern cross are only partly visible most nights. I invite you to go
27 out some night and see this for yourself. I've done public tours during the whole time
28 that I've lived and worked here for the Naval Observatory, scouts, star parties for
29 various organizations, public nights in the regional parks and just for the neighbors in
30 my neighborhood. And the thing that I've learned in the course of doing this is That at
31 the public is becoming more and more unaware of what's in the sky. They can't see it.
32 They're even surprised that you can see something in a telescope. Some of them have
33 asked me if I had a slide or something in there. When I was a boy growing up in the
34 north New Jersey area in the 1950s, I would go into New York City and sometimes go
35 up on the tall buildings and look at the sky and feel sorry for the people who've lived in
36 the city and especially the children my age who would never know the skies I had. Now
37 I feel sorry for the people of Montgomery County and especially the children. Because
38 our sky now looks like that New York City sky in 1950s. So I don't presume to tell you
39 what to do about this, but I can tell you if things continue as they have, you're going to
40 lose your night sky altogether and not just down County. Little Bennett Regional Park is
41 losing its southern sky to Clarksburg. And it's obvious that even a relatively remote area
42 like that is going to become light polluted soon. So thank you very much.

43
44 Council President Praisner,



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1 Thank you. I see a light on over there. I don't know if it's yours George because it lights
2 up for me as it's the attorney. So that -- no, it's because -- we slid folks over to make
3 room for the Board of Education, go ahead.

4
5 Councilmember Leventhal,

6 Good. Thank you Madame President. I really appreciate the two testimonies, find this
7 point of being able to enjoy the starry sky a very compelling point. I'm just very
8 appreciative that these two busy gentlemen have been here to make that point. I hope
9 that all our witnesses who have, what I'm sure are legitimate concerns about the need
10 to access for businesses and need for safety and a variety of other issues will consider
11 what I think is a very compelling point about being able to enjoy the star scape. And I
12 wear contact lenses, I'm very sensitive to glare, which is relevant to this conversation.
13 But generally I am criticized for scowling because when I'm in a lit room, the light gets in
14 my eyes and I scowl. And then when I'm on television, I'm always being told you look
15 angry. I'm really not as angry as I look. I don't get angry as often as people think I do.

16
17 Councilmember Trachtenberg

18 Oh, that explains it.

19
20 Unidentified

21 Took him five years to come up with that.

22
23 Councilmember Leventhal,

24 (laughter) But today, I'm being criticized for smiling so I just wanted to greet my very
25 good friend and long-time colleague Zydah Geddis with the League of Women Voters
26 and I was smiling at her and greeting her. She's here with a delegation of international
27 visitors. I haven't seen Zydah in a few years. She's a delightful person so I was happy to
28 see her and I was smiling at her. I was not laughing at any witness and I just wanted to
29 make that clear for the record.

30
31 Council President Praisner,

32 For the record, I, Judy, have not been there at night. But I have been aware of the
33 issue. And I thought that we had asked for a response from the Planning Board and
34 since we have not as yet, will you prepare for me a formal letter to the Planning Board
35 that asks them what the status of the issues are related to the Meadowbrook Stables
36 and including the Historic Preservation Commission's comments?

37
38 Judy Koenick,

39 Thank you.

40
41 Council President Praisner,

42 Thank you all very much.

43
44 Judy Koenick,



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1 By the way, if you -.

2
3 Council President Praisner,

4 Judy, I need to move on to the next panel. Oh, I'm sorry. Nancy, I didn't see your light.

5
6 Councilmember Floreen,

7 Thank you very much. It's good to have you astronomers here. We may well need you
8 for the committee worksessions on this because I know very little about this. And I want
9 to ask you, I mean, we live in a relatively urbanized area, close to an extremely
10 urbanized area in terms of the District of Columbia. So is there is there a baseline that
11 you look at? I mean what is, where do we need to go to really see the stars? I mean, I
12 can go -- when I'm out at night, depending on where you are, you can see certain things
13 and see other things. But is there a sort of a base number that you in the astronomy
14 world look to for establishing appropriate sort of suburban visibility. If you are out in
15 western Maryland, it's a different opportunity than if you're in this location. I'm just
16 wondering if there's some standard that you shoot for, given, you know, the regional
17 locations.

18
19 Harold Williams,

20 I suggest that you visit Tucson and look up at the city.

21
22 Councilmember Floreen,

23 Put that down as a site visit.

24
25 Harold Williams,

26 (laughter) In the middle of the city in Tucson, the population density equal, they can see
27 the stars in ways that we can't. And the fact, I'm an urban person, when I walk to the
28 subway, I do not want to trip over irregularities in the sidewalk. I want to be safe. I also
29 would like -- I also would like to see breast cancer rates reduced. The best medical
30 evidence now is that breast cancer is partially caused by the fact that we have Circadian
31 rhythms gone. And it turns out we have, ever since 2000, we realize there are two
32 senses, not only sight, there's another photosynthetic pigment called melaopsin which
33 goes to the super chismatic nucleus in the mid-ear hypothalamus, which sends a
34 message to the pineal gland which produces something called melatonin. Melatonin is
35 an antioxidant. It reduces breast cancers and all kinds of things. The studies have not
36 been done in men yet. It probably also causes prostate cancers but that study has not
37 been done. There was a really good thing in the District of Columbia on February 21st
38 where biologists and doctors talked specifically about that particular thing. So, you'll also
39 literally be saving people's lives in the long run.

40
41 Councilmember Floreen,

42 But my question is, is there -- and I don't even know if it's capable of measurement, but
43 a suburban, I mean, we will have to go to Tucson to understand the comparability of it --

44 .



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1
2 Council President Praisner,
3 Mr. Corbin would like to try to answer.

4
5 Councilmember Floreen,
6 --the question that I have is, is there a way to measure this in a useful fashion?

7
8 Tom Corbin,
9 Well, there's of course what you can see, how faint a star you can see or can I see the
10 Milky Way. I suggest if you want to get a feel for this. They have public nights at the
11 Black Hill Regional Park.

12
13 Council President Praisner,
14 Oh, I love Black Hill.

15
16 Tom Corbin,
17 And I take part in those. I would say that what you can see at Black Hill because it's not
18 what you call a dark sky, but at least you can see a reasonable array of constellations
19 and even a bit of Milky Way at times, I suggest you go to one of those.

20
21 Councilmember Floreen,
22 So, are you suggesting that the standards should be, I mean what we should be aiming
23 for is the sky as is currently observable out at Black Hill?

24
25 Tom Corbin,
26 I think that would be reasonable, don't you Harold?

27
28 Harold Williams,
29 Yes, I have a meter right now I am participating in something called globe at night. I
30 hold it up, I press a button. It tells me the number of stellar magnitudes per square arc
31 second. Okay.

32
33 Councilmember Floreen,
34 The number of which?

35
36 Harold Williams,
37 The number of stellar magnitudes per a square arc second.

38
39 Council President Praisner,
40 This is all very important and very interesting to the extent that you, both of you, as I
41 think Ms. Floreen has indicated might be available for a committee worksession that
42 would be helpful and I think that would be the committee worksession, first one is
43 scheduled for April 12th. I do not believe we can go further than that at this point. I think
44 the question is, what is the standard we're aiming towards? What is the test one should



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1 use.? You've indicated Tucson. I think if my staff could, I'm sure she wants to go on a
2 visit. But if my staff could contact Tucson to see what they use and also if there are any
3 measurements, that would be helpful. But your point is, there are urban suburban
4 settings that are less -- have less glare and spill of light than we have here. And still are
5 not rural, significant rural settings. Thank you all very much. Our next panel is Michael
6 Galway, Energy and Air Quality Advisory Committee, Esther Gelman for the Auto
7 Dealer's Association, Raquel Montenegro, for the Builders and Mr. John Wetmore. And
8 Mr. Galway, you're first. You're first. You just need to push the button in front of you.
9 Thank you.

10
11 Michael Galway,
12 Good afternoon Council. I appreciate the opportunity to be here. My name is Mike
13 Galway. I am a professional engineer with Joseph R. Loring and Associates here in the
14 area, in the metropolitan area. I'm also on the EAQAC Committee. Which is the Energy
15 and Air Quality Advisory Committee. I am also lead accredited professional. And here
16 today to support Bill 4-07. It's something that I am aware of the County's attempt over
17 the last several years to try to put together a piece of legislation that is -- can be
18 successfully implemented. And as professional engineer in reviewing this, the criteria
19 set forth, I believe is a document which can be implemented by the professionals during
20 the design process on buildings and outdoor lighting around the County. There's a lot of
21 times when there's legislation to come through and various jurisdictions where you look
22 at it as an engineer and say wow this is extraordinarily expensive to implement or it's
23 very, very difficult to implement. That's not the case with this legislation. I think it's very
24 straightforward. I think it's something that as part of the typical design process,
25 engineers can go through the process very simply and incorporate particular efficiencies
26 of lighting and locations of lighting that do a number of things. One is reduce the energy
27 of consumption of these fixtures. They also help with the dark sky. Eliminate some of
28 the glare that we find, for instance, as we're flying over the metropolitan area and we
29 see enormous amounts of energy, where we see that light we know there's wasted
30 energy, so we can eliminate that and project the lighting to the surface, to the work
31 surfaces and the walk surfaces where it's important for security purposes, for egress
32 purposes and so forth. We -- as a member of EAQAC, we are certainly interested in
33 doing a number of things, one being sensitive to the environment. I think this Bill does
34 that. Also, in reducing energy consumption in the buildings and facilities around the
35 County. I think there's a number of things that as we move forward that need to be
36 looked at very carefully. One being this references outdoor lighting and there are a
37 number of circumstances where you may have a lamp or a fixture within the building
38 itself that actually has high enough lumens that it actually projects outside of the
39 building and actually spills out into over the property line. So I think one of the things
40 that need to be looked very carefully at is to make sure that when we define outdoor
41 lighting, it should also include fixtures and sources and maybe to pick on one car dealer
42 that might have a tremendously bright show room, which, you know, under certain
43 circumstances depending on the proximity of the building to the property line, they need
44 to be careful. But I think -- .



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Council President Praisner,
You can finish your sentence.

Michael Galway,

I think using the cut off fixtures, and getting -- Nancy, you were talking about how you determine it I think if we were using cut off fixtures, that would go a long way to minimizing the amount of light that is bounced back up into the sky, which reduces the ability or the distraction from being able to see the stars and so forth. Thank you very much.

Council President Praisner,
Thank you. Esther Gelman.

Esther Gelman,

Good afternoon. My name is Esther Gelman and I'm here in my role supporting the Washington Area New Auto Dealers Association. Now, I'm in that role because my good friend Jack Fitzgerald is Chairman. The Executive Director, Mr. Jerry Murphy is also in the room. Now, I am sure that every one of you knows how to read, I am not going to read my testimony and you also have a good staff that summarizes. I'm going to submit a letter from Perry Berman and from me and also my testimony. I would like to say that I was just delighted, I just saw the Planning Commission's report and since they picked up on most the things I did, they must be right. It's a very complex subject, as you all know. And I don't see how you can squeeze it into your budget season, your first budget season. But I hope you will take time to really think this through. In terms of the auto dealers let me just say that at any given day on the lots in Montgomery County, you have, depending on the size and the cost of the vehicles, between two million and fifty million dollars worth of autos. Now, nobody's going to leave those out in the dark, and they have no place else to put them until we get some renovations. Now, many of them have security cameras which don't operate without light. Cameras can't work in the dark. And it's interesting that the cameras pick up individuals coming and looking at cars at night with no one around, maybe it's the only time they have and they want to see the colors too. Color is very important, I understand. So we ask you that unless there is a specific problem that you not set arbitrary deadlines. Every one of these dealerships was built in compliance with the rules of the time. As land becomes scarcer and scarcer, they are redeveloping and depending on the zones, which you develop, they will develop multiuse. All over Europe auto dealerships are in conjunction with office buildings and all kinds of uses. I brought the prior Council many, many pictures from all over Europe. In fact, I brought so many pictures that Bruce Adams said, we'll give you the zoning just don't show us any more pictures from Europe. So, we just ask that you take that, now, I don't think that auto dealerships are in residential neighborhoods. What you have to worry about is schools and parks. I think those are the ones that you have to look at first. And that's certainly within your, closer within your jurisdiction. But I think that --.



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1
2 Council President Praisner,
3 Go ahead and finish your sentence.

4
5 Esther Gelman,
6 This is all going to redevelop especially on the pike. We're deep into the process
7 already.

8
9 Council President Praisner,
10 Thank you. Raquel. You need to push the button.

11
12 Raquel Montenegro,
13 Thank you. Madame President, Council. I'm Raquel Montenegro, representing the
14 Maryland National Capital Building Industry Association. I've also been asked to present
15 my comments in light of the Community Association's Institute, the Association of
16 Independent Schools of Greater Washington and the National Association of Industrial
17 and Office Properties. I believe that it winds up being over 800 properties in
18 Montgomery County. And MNCBIA believes it's premature to take position on this
19 legislation. We would support the Planning Board's recommendation that a working
20 group be established to address the issues raised. We would respectfully recommend
21 that in addition to the community lighting professionals, that stakeholders be invited to
22 participate such as those that I just mentioned. As drafted this legislation applies to
23 public and private schools, to parking lots, to playing fields, to community centers, to
24 homeowner's associations, to homes, to car dealerships, to playing fields. It has a huge
25 impact. It leaves open what standards will be required and looks to executive
26 regulations to be drafted creating a climate of uncertainty for those who will be required
27 to meet those regulations. The legislation proposes that new developments seek
28 approval from DPS of a lighting plan before site plan is approved. Setting in motion, a
29 nearly impossible situation for the applicant, forcing the applicant to develop a plan that
30 will inevitably be modified during the site plan approval process, which will then need to
31 be redone to comply the Planning Board conditions which will then require the plan to
32 be amended by DPS, triggering your return to the Planning Board for amendment to
33 approve a revised approved plan by DPS. In the event DPS actually approves the plan
34 that was approved by the Planning Board. To attempt to design a lighting plan at
35 preliminary stage, which was suggested is nigh impossible as preliminary plans are
36 concept plans. And the applicant at that time has not yet defined where the buildings
37 are going to be, where the features are going to be located, nor has the Planning Board
38 blessed the plan. We believe it's premature to take a position on this local legislation as
39 the fiscal impact of this legislation has not yet been assessed given the standards have
40 not been developed. According to at least one lighting consultant that we have spoke
41 with, to replace a parking light bulb may be as much as \$5,000. To replace a pole with a
42 life of 10 to 20 years as well as increasing the number of poles to ensure lower light
43 spread can easily result in an unplanned expense exceeding \$45,000 for a simple entry
44 feature. We understand that this legislation has been pending --.



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Council President Praisner,
Go ahead.

Raquel Montenegro,
--three years. What we would request is that this legislation not be pushed forward for its expediency sake, that lead agency be identified and that a working group be created.
Thank you.

Council President Praisner,
Thank you. John, you're last.

John Wetmore,
Yes, I'm John Wetmore from Bethesda. I'd like to address the issue of glare and safety. I support the legislation. Glare is a major safety problem, from a traffic standpoint, and as baby boomers get older, it's only going to become more of an issue. The unshielded street lights used until recently in most of the County, create problems with drivers being blinded, drivers not being able to see into the darker areas where frequently there are pedestrians who are quite vulnerable to, especially after dark. Having properly shielded lights and reducing glare is a major safety concern for pedestrians and you also have a problem with excessive amounts of lights particularly on parking lots, where a driver going by will lose their dark adaptation and not recover it for another couple of minutes by which time they've gone another mile or two down the road, during which objects such as pedestrians in the dark will be quite vulnerable. And you can have good lighting in parking lots without the excessively high lighting levels. It doesn't have to look like noon on a sunny day. Much more important than having high light levels, having uniform light levels, having glare and spill out to the sides and upwards removed. And if security is an issue, nothing beats lights set on the motion detector that will pop on when an intruder is in the area, which is much more likely to catch attention to the intruder than a light that is on all the time that people have learned to ignore. Finally, a couple quick words on the Milky Way. When I first moved into the County 39 years ago, it was possible to detect the Milky Way from downtown Bethesda. That is no longer possible. The Milky Way has been moving away to the fringes of the County. Where I like to go to watch stars up on Skyline Drive, the sky has gotten noticeably worse over the last few decades. You actually have to go to West Virginia now to find a truly dark sky. And, you know, for the sake of the children, who many of whom have never seen the Milky Way, I think this is an important Bill as well as the safety issues I just mentioned. So, thank you.

Council President Praisner,
Thank you very much. Councilmember Knapp.

Councilmember Knapp,



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1 Thank you Madame President. I just wanted to raise one point. The Montgomery Village
2 Foundation just handed us their testimony. I know they didn't get signed up to speak in
3 time but I just wanted to commend it to my colleagues because they raised a number of
4 points and some emails I had seen from over the weekend and just as we consider this
5 to take it under advisement. Thank you very much.

6
7 Council President Praisner,

8 It will be folded in as staff normally does with any written testimony we receive. There
9 are no lights so thank you all very much. This is a Public Hearing on a Supplemental
10 appropriation to the Montgomery College's FY07 Capital Budget and amendment to the
11 FY07-12 Capital Improvements Program for the Takoma Park Campus Expansion in the
12 amount of \$1,300,000. An Education Committee worksession is tentatively scheduled
13 for March 26 at 9:30 a.m. The record will be closed at the conclusion of the Hearing.
14 There are no speakers. This concludes the hearings for this afternoon. We now will turn
15 to a joint presentation by the Collaboration Council for the Board of Education and the
16 County Council on their Out-of-School collaboration study and our work together. I
17 would invite members of the Board of Education to join us at the, up here. Right. Okay.
18 Yeah. You need to bring the chairs up. We'll be every other Councilmembers and --.
19 Yeah. Brandman. Shirley Brandman. Shirley, you're over here. Nancy is over here .
20 How are you?

21
22 Unidentified
23 I'm okay.

24
25 Council President Praisner,

26 (multiple voices) Are we all here? Okay, if we can begin. I want to make a couple of
27 comments. First of all, I would note that Councilmember Andrews is in Annapolis
28 testifying and therefore will not be with us this afternoon and we'll leave it to the School
29 Board President to make whatever comments she would like to make about her
30 colleagues who are not able to be with us this afternoon. We had a conversation in
31 January at breakfast, I guess, where we were talking about efforts to strengthen School
32 Board and Council dialogue, both formal and informal. And one of the pieces of this is
33 our shared concern and interest in the experiences of our children both in school and
34 out of school. And the issue that we've been talking about is Out-of-School Time and
35 the Collaboration Council has begun the work. I know this is phase I, not all of the work.
36 But it was an opportunity. And both Nancy and I thought it would be a good idea if we
37 heard it together rather than separately so that we can have a chat together rather than
38 separately on this issue and on the continuing need to talk about these items. School
39 Board members, I want to introduce to you our visitors from Kenya, who are here with
40 the League of Women Voters observing government in action in Montgomery County. I
41 also want to acknowledge that there are some department heads in the audience as
42 well. Gabe, the Department of Recreation, Ginny Gong is here from the Community Use
43 of Public Facilities. I see the superintendent as well. Hi, Jerry. And there are others,
44 obviously, from both systems and from different organizations that I did try to spread the



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1 word so that folks would know if they wanted to come here as well, they would have that
2 opportunity. I want to welcome the Board of Education and turn this over to President
3 Navarro and let me see if I can get your mic there.

4
5 Nancy Navarro,
6 Okay. Thank you so much.

7
8 Council President Praisner,
9 The lever goes to the left to turn the mic on. It goes to the right to request to speak.

10
11 Nancy Navarro,
12 I'll try to get used to that. Good afternoon.

13
14 Council President Praisner,
15 Do you have your new mic system yet?

16
17 Nancy Navarro,
18 Not yet. We're almost there.

19
20 Council President Praisner,
21 We put it in the budget.

22
23 Nancy Navarro,
24 We haven't been able to practice too much. Well, good afternoon. It really is a pleasure
25 to be here. And I think it's very important, very symbolic that the Board of Education is
26 joining County Council members in this discussion. I do want to say that our colleague,
27 Ms. Sharon Cox is actually representing the Board in another function in Germantown,
28 that's why she couldn't be here, but she sends her regards. We are not joined by Mr.
29 Steve Abrams because he has other commitments. But as you can see the rest of the
30 Board is here, eager to listen and eager to understand in a much more in-depth fashion
31 your work. I do want to say for clarification, that although my name is listed as a task
32 force member, I did join the -- actually the community action group of the gang task
33 force, but very quickly realized that it was going to be so difficult to attend all the
34 meetings. So I don't want to take credit for this wonderful report. Although I have to say
35 that a lot of the information contained here is definitely something that I feel very
36 strongly about and concur. So in a way, maybe in a ghost sort of a way, I was there. But
37 I just want to thank President Praisner for this invitation and our fellow County
38 Councilmembers for having us here. And I look forward to what collaboration should
39 really be, which is for us to be at the same table looking at how we conduct our
40 business and how do we enhance services to our children because at the end of the
41 day, we need to remember we talk a lot about numbers and dollars and all that kind of
42 stuff. In reality it's about our children here in Montgomery County and success for them.
43 So thank you so much and I look forward to the briefing.



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1 Council President Praisner,
2 Okay. We will turn it over to the Collaboration Council. I think it will be helpful if the
3 panel would first introduce yourselves and then you can start with whatever
4 presentation you have in mind. Carol.

5
6 Carol Garvey,
7 Okay. I'm Dr. Carol Garvey. I'm the current Chair of the Collaboration Council.

8
9 Kathy Lally,
10 I'm Kathy Lally, Executive Director of the Collaboration Council.

11
12 Stefany Rojas,
13 Hi my name is Stefany Rojas, I'm with AOB.

14
15 Sherilynn Jenkins,
16 Sherilynn Jenkins from the Collaboration Council, Director of Data and Research.

17
18 Georgia Hall,
19 Dr. Georgia Hall from National Institute and Out-of-School Time at Wellesley College.

20
21 Carol Walsh,
22 Carol Walsh, Chief of Planning Programs and Policy with the Collaboration Council.

23
24 Ana Lopez,
25 Ana Lopez, Executive Director of Community Bridges.

26
27 Council President Praisner,
28 This is being televised and I wanted to give Delphine a heads up on that piece of it.
29 Carol, it's all yours.

30
31 Carol Garvey,
32 I'll start off and I want to thank all of you for giving us the opportunity to present the Out-
33 of-School task report. And certainly I think the joint meeting is an indication of the
34 importance that all of you put on collaboration and on how our youth spend their Out-of-
35 School Time. With funding from the Governor's Office for Children, Collaboration
36 Council is fulfilling its role as a neutral convener and also data analyst in studying the
37 current capacity and barriers to providing the quality after school programs for the
38 County's youth. Today, as you mentioned, we're really presenting just the first phase to
39 report on the status of Out-of-School Time in Montgomery County and we recognize
40 that this is only the first step in what can be a productive journey for all of us. I want to
41 take the opportunity to acknowledge Chris Jovanosso, who is over here, who chaired
42 the task force and of course our honorary Co-Chair, Marilyn Praisner. As well as the
43 representatives from several child serving agencies, private providers from the youth
44 development and child care communities, the commissions on children and youth and



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1 child care, and the many parents and youth who lent their experiences expertise and
2 voices and their names are in the documents along with Nancy Navarro's. And many of
3 those people are here today. We were fortunate to have as our partner and guide the
4 National Institute on Out-of-School Time from Wellesley College. And you'll hear more
5 from Georgia Hall, the senior researcher. Quality out of school programs, safe places
6 for fun and learning can make a powerful difference in lives. The size of our report
7 indicates the breadth and depth of the issues that we must address together if we are to
8 achieve our vision, that all children and youth have access to an array and continuum of
9 culturally competent, accessible, affordable and high quality out of school activities that
10 enable them to be safe and healthy. Strengthen and develop skills and talents, succeed
11 in school, make smart choices and prepare for the workplace. Our presentation will
12 highlight some of the key findings of the task force. We'll get some firsthand
13 experiences from the youth and the provider and give you a brief overview of what we
14 see as the next steps that comprise the second phase of the work. You'll hear the
15 familiar refrain of the importance of public and political will in moving forward. As you've
16 seen in the County Executive's proposed budget, he is placing high priority on youth. So
17 we look forward to working together with the Executive and all of you to make our vision
18 a reality. Kathy Lally will present next.

19
20 Kathy Lally,

21 I want to let you know, that before you , you have two other documents, one is a power
22 point presentation in which we tried to distill all of the relevant findings and relevant
23 information that we want to communicate to you today. You'll also see in your packet a
24 fact sheet, making the case a fact sheet on children and youth and Out-of-School Time
25 and so we just want to draw your attention to those two pieces. We're going to go
26 through the power point, hopefully in a high level so that we can get to some of your
27 questions and have a dialogue with you about all these issues. As we began this work,
28 we realized that Montgomery County we believe is at a tipping point, that we can go in
29 one way or the other, based on our population, based on the increased diversity. That is
30 well documented in the school system with the number of languages spoken. And every
31 day we are confronted with the diversity that's both a challenge and a great strength of
32 the County. Through our survey work, we found out that there is strong consensus in
33 the County about support for after school. 86% of survey respondents indicated that
34 after school activities and funding after school activities is an essential public service
35 and that was backed up by some national research that was done in the fall by the after
36 school alliance where seven out of ten voters indicated they wanted the new congress
37 to support increased funding for after school. So we've both got our local data and the
38 national data in concert working together. And I think the most compelling thing that I
39 see and the most exciting thing that I see is the incredible positive political will that we
40 see at the County Executive level, with the County Council with Marilyn Praisner's
41 leadership in our task force and the County Executive's transition document that had as
42 a major policy priority, children prepared to learn and live. And I think and live is an
43 important add on to that well-known phrase, preparing children to learn, living is
44 sometimes complicated when your family system doesn't support you in appropriate



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1 ways and some folks can use academic achievement as a way to get out of an
2 interesting family dynamic. And we want to support that as best we can. But we also
3 want our young people to grow up and be successful and find their right niche in the
4 community. We believe that the Out-of-School Time activities that we can have and
5 already do have in the County can provide an important piece in everybody finding their
6 right niche in Montgomery County. We also wanted to ground you before we get into
7 some of the key findings of the report and some of the data that we've collected in terms
8 of where parents are. Parents are working, as we all know. 70% of children and youth in
9 County households have all their parents working. What we know about juvenile crime,
10 those rates peak in those critical hours of 3:00 to 6:00 p.m. And we are concerned
11 about that. We're also concerned about some new data, well, it's not new, but it's
12 recently revealed data about the adolescent birthrate for Hispanics for Latinos. It has
13 grown over the last three years or increased over the last three years. In '04 it was 60
14 per 1,000 births, in '05 it was 66 per 1,000 births and in '06 it was 71 per 1,000 births.
15 So, that risky behavior that can occur in those after school hours, we think that it's not
16 an easy and simple solution to just have out of school activities, it's a much more
17 complicated issue than that. But we think that if we are planful about how we organize
18 our out of school activities and our system of out of school activities, we can make a
19 difference in that area. We also see Out-of-School as a way for us to support what the
20 school system is doing, a yeoman's job, in trying to reduce the achievement gaps that
21 exist between Hispanic, African-American youth and white and Asian youth. The
22 expectations for Out-of-School Time are quite high. We all want positive youth
23 development and prevention of negative outcomes. We're working very closely with
24 Kate Garvey and Luis Cardona and DHHS and the folks in the police department on a
25 gang prevention task force and what we believe is that most behaviors whether they're
26 positive, whether they're negative or not have positive intention behind them. So that
27 when the gang involved youth is first exploring that, what they're really looking for is
28 belonging, positive relationships, leadership, efficacy, doing something. And so if we
29 can't figure out a way to create the right kinds of things for young people to get involved
30 in, they're going to find that to meet those basic human needs. So that leaves out kind
31 of where we came in terms of a context and what we saw as we moved forward. I'm
32 going to turn it over to Georgia who's going to talk about some of the national research
33 that supports our efforts.

34
35 Georgia Hall,

36 At the National Institute of Out-of-School Time, we've been working in this field of after
37 school and youth development for over thirty years and I say that in leading up to one
38 the things that we don't need to do now is demonstrate the length between participation
39 and positive outcomes because it's been done. There's countless studies that have
40 been conducted and completed that have shown the relationship between participation
41 in Out-of-School Time and positive outcomes for youth. These have included things like
42 skills that support academic achievement, attendance, effort and behavior. This idea of
43 nutrients that are provided through Out-of-School Time experiences that deter failure
44 and promote success. So recent research in fact on social and emotional learning which



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1 has been very much on our, you know, news interest right now, has shown that when
2 youth are in environments that provide positive social and emotional atmosphere or
3 climate that it leads to better outcomes for youth and less risky behavior. So, I offer that
4 as, to demonstrate that the evidence is already in in the positive outcomes from Out-of-
5 School Time programs.

6
7 Carol Garvey,

8 Now, we'd like you to hear from Stefany Rojas, one of the participants in the Arts on the
9 Block program which the Collaboration Council does fund.

10
11 Stefany Rojas,

12 Hi. As you already know, my name is Stefany Rojas and I'm a senior at Wheaton High
13 School. This actually is my first year at Arts on the Block. I came here to the United
14 States from Peru in 1999. Arts on the Block, as I'm sure many of you know, it's a
15 nonprofit organization and a job training program. I've actually experienced -- we're
16 doing a project for the W. Gillchrist Center at Wheaton. And the mural is 50 by 5. It's
17 pretty big. It has really taught me a lot. Right now, we're practicing and we're using our
18 skills, we're doing resume writing. We're practicing for interviews. And also I personally
19 had an experience of grant writing. Also, the project itself is big, as I already told you
20 has taught me a lot of patience. And patience -- you need patience. Also, I have learned
21 team work. And I think that's a very important part mostly in the future because a lot of
22 jobs require you to work with people. And it has taught me to respect others. And mostly
23 because the project itself is about culture and the people I work with are very diverse
24 and I have learned to respect their beliefs and thoughts. I have learned to have an open
25 mind. My beliefs, you know, they're okay. I plan to, in college, I plan to be a premed
26 major. And I'm a really creative person. I actually heard about Arts on the Block by my
27 ceramics teacher in my school last year and this year. Last year I decided not to try it, I
28 decided to try more AP classes instead. But this year I thought that it is something that I
29 would like to see. I actually saw one of the lead artist presentation, Corinne Curoga, she
30 came to present with also an apprentice from my school, David Rogillo. And I saw very
31 interesting presentation, a power point and also we did an activity together which really
32 got me interested. After that, I applied and everything. I have learned how to -- when
33 you apply, having that e-mail, you know, not just saying anything but being formal with
34 your name and last name and all of that. But in the future, even though I have a premed
35 major that I have already thought about, I think I really want to pursue my creativity in
36 art. And for creativity for this to be a creative outlet for me in the future. Thank you.

37
38 Carol Garvey,

39 Thank you. Thank you Stefany. Next, we'll provide through our presentation some of the
40 current status and some of the key system components, what parents and youth want,
41 the capacity and supply of Out-of-School Time, what we know about standards and
42 quality, what are our financing and resource challenges and what form of collaborative
43 practices are in place. Cheryl will begin by talking about parents and youth and some of
44 the information we've learned from them.

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Sherilynn Jenkins

Thank you. In the fall nearly 1,500 parents and youth were surveyed regarding after school programs. Those surveyed mirrored the County's demographics and the responses reflected both the national picture and echoed the Commission on Children and Youth's own findings that they had done on after school. I'd like to highlight some of these findings and some of which are given in more detail both in the report that you have as well as on the posters that we brought with us. Most parents responding felt after school programs are about providing extra learning opportunities for their children and suggest that a more desirable program model is one that reflects a safe location for their children with better hours and more flexible attendance options. Parents noted that in addition to the issue of safety, having caring supportive staff, activities that appeal to their children's interests and were either conveniently located or had easy access to transportation were among the most important qualities of an after school program. We found that among the youth surveyed their choice to participate in an after school program was most greatly influenced by the activities that were offered, by peer participation and again having a safe place to hang out. Both parents and youth were asked what types of activities that they would most likely want to participate in after school and most often what we saw was that they wanted to participate in art programs, physical activity and just plain old opportunities to socialize with their peers. That's what they were really looking for. This work of understanding demand for programming and what is about after school is really on going. And we must be done continuously to truly build an effective Out-of-Time system. What this on going market analysis really means is keeping track of the numbers of youth and demographics of our youth as well as monitoring the desired program characteristics that parents and youth will purchase with their time and their money. It also means conducting an on going supply analysis. At any given time are there really enough of the right programs available? And clearly we have to make sure that these two processes are done involving both the youth and the parents in the discussion. They have to be there for the policy making, for the program design and implementation as well as in the evaluation. The biggest challenge that we faced in this exercise was accurately assessing supply. The very fact that Out-of-School Time for after school programs goes either by a variety of different names or definitions makes this extremely difficult. Not to forget the fact that they are also delivered by a variety of different programs, organization or types as you can see outlined in the materials that we provided for you. So what we've decided to do is approach this challenge by inviting these many members to become part of publicly shared, free to join web base, resource database called Info Montgomery. Info Montgomery was set up as both an information and referral tool to help classify services and collect other program details so that we can have a proper account of capacity. We can map community services and analyze the characteristics of those youth served. We've identified roughly 98 organizations in the process as deliverers of Out-of-School Time services. We've of course had to create a definition of what we're going to classify those organizations and these were those organizations that were providing services during the regular school week, during the hours between 2:00 and 6:00 that are either publicly



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1 operated or community based. We believe that this is nearly a complete list because the
2 source of information that we drew upon was publicly funding lists and users of public
3 space. We acknowledge, though, that we probably missed a few. We probably missed a
4 lot of the informal organizations that are out there. And we will need to continue to
5 expand our outreach to make sure they're also included and recognized. At this time 41
6 of these organizations have become members of the database. And details for 58
7 programs have been completed and will be publicly available online at the end of the
8 month. The rest are still completing the task. We believe that in order to successfully
9 achieve accurate picture of capacity, these providers need our continued support in
10 completing this task and we have to make sure that we have a conscious, coordinated
11 effort of outreach.

12
13 Carol Garvey,

14 You heard earlier from a student talking about her experience from her perspective.
15 Now, we'll hear from Ana Lopez who is a provider of after school services.

16
17 Ana Lopez,

18 Thank you. As many of you know, Community Bridges is a leadership and
19 empowerment organization for low income immigrant girls in the Long Branch area of
20 East Silver Spring and Takoma Park, Maryland. We currently service about 150 girls
21 through our four programs at seven different schools aging in range from third grade up
22 to ninth grade or from 8 to about 15 and 16. Our primary partners have been the
23 schools in providing services as well as other community based organizations. And
24 we've had many joys in the process of delivering services. Some of these include
25 working with the schools that deliver programs, really seeing our teachers and other
26 school personnel become allies and advocates for us. Great collaborations have
27 emerged to provide services to address very specific needs of schools such as working
28 with Linkages to Learning regarding teen pregnancy at Eastern Middle School. We've
29 also worked with the PTA to get better connected to the schools. And of course in
30 working in the schools, you get a better sense of what's going on with our school
31 population of youth, what are the trends, dynamics and problems. We have seen that
32 despite our many successes in the schools and with our populations and despite many
33 of what the research says about the role that we play in the lives of youth, we still are
34 not seen as equal players in the community as well as with the school system. It's often
35 that academic programs are better supported and better valued. And by doing so, we
36 fail to realize it's the nonacademic needs of youth that impact their ability to fare well
37 school. What I mean by that is problems such as low self-esteem, depression, problems
38 at home, adjustment issues, peer pressures related to gang involvement and sex. All of
39 these issues are clearly nonacademic. But we all understand the role they play in
40 impacting a student's ability to succeed in school. I was recently reminded of this by
41 observing a dance movement exercise with our fourth and fifth grade girls. They asked
42 for the lights to be turned off. And when asked why they asked for that, they said that in
43 the dark, they can be whoever they want to be. I think it's incredibly sad that our children
44 are voicing that they don't feel comfortable being themselves and if they're not doing it



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1 in after school programs, how are they doing that in the classroom setting, in their
2 schools, in their homes and communities? So with that, I'm going to present some of the
3 challenges that we face in delivering services. As mentioned, we're not often seen as an
4 equal player and that often translates by schools being unresponsive to us from not
5 returning phone calls, to not working to simplify some of the implementation of our
6 programs. Often finding it difficult to work with schools who don't have a point person to
7 address the collaboration with after school programs outside of the school. Also,
8 outreach and marketing of after school programs and connecting that specifically with
9 the needs of youth. What I mean by that, is sometimes the same youth are referred to
10 the same programs. Youth, because they're not connected, they're hopping from one
11 program to the other and in the worst case scenarios, they're not getting involved at all
12 because no one is telling them and helping them address the barriers to them getting
13 involved in the after school system programs. There are other challenges as well. I think
14 many of you know of transportation. In order to carry out an effective after school
15 program, I can't do it in 45 minutes in order to take advantage of the activity bus that
16 only runs on certain days of the week. I have had to place that burden on my staff, who
17 is under paid. It's been an incredible challenge to support them in providing
18 transportation reimbursements, et cetera to service 150 girls that we transport back and
19 forth every week. There's also challenges with space, in coordinating services with ICB
20 and the schools, because somehow the schools don't always get the message that
21 we're reserving certain space and then there's double booking. And then we have to
22 find someone to open the door to get the key. That really impedes our ability to run a
23 smooth after school program. Lastly, sustainability, I can't tell you how hard it is to
24 continually find support, despite our many successes for our programs, but even more
25 challenging is having to say no to a school who is requesting for additional girls to be
26 served as well as other schools who are eager for us to service girls. It's very hard to
27 turn them to say and say I'm very sorry, I cannot do more than what we're currently
28 doing right now. And so for that, I'm incredibly grateful to the Collaboration Council for
29 their support not just monetarily, but also helping us build the capacity for us to grow
30 and expand in the community. Thank you.

31
32 Carol Garvey,

33 Thank you Ana. As you can see, programs like Ana's and others are really trying their
34 best to provide services, but it really points to so much energy is being spent by each
35 program doing the same sorts of things that if we had some systems in place that would
36 streamline some of this access, it would be very helpful. So taking that then to look at
37 some of the status of standards, quality and accountability, at this point in time there
38 really are no locally established standards for health and safety and program quality in
39 after school programs. But the good news is that we believe in our conversations that
40 many programs share the same values and practices. For example, criminal
41 background checks, trying to have a reasonable staff to youth ratio so that could be
42 good positive relationships and supervision. Our work group did a quick list of what
43 seemed to be sort of the standards categories, if you will, and it's found in your report.
44 Similarly, there's no professional organizational development process that connects



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1 those standards and ways of operating to the actual daily practice of our programs. And
2 certainly that would go a long way to help all organizations big and small and emerging
3 to do even better job. Programs rarely know about each other even though they may be
4 in the same community. We lose some advantages there in them working together and
5 providing an array of different kinds of experiences to youth who are in that particular
6 area. And typically, unless the programs funder has required it, there's not a routine
7 collection of data. Typically there may be service statistics, but certainly not those things
8 that measure outcomes which really then give us all more information on which
9 programs are really effective and should be expanded and then which programs
10 perhaps shouldn't be funded unless some changes have been made and really what
11 that means, then of course, our funding isn't related to the accountability system. So
12 what we really need for it, obviously is the answer to each of these in terms of
13 developing an agreement around what are standards, and certainly we don't expect or
14 want to hand each after school program this 3-inch thick book of here is what we need
15 to do. But really develop a consensus around what are the basic standards that we
16 should work on and then have quality improvement and assurance in work and support
17 with professional development system to work towards those higher standards and of
18 course keeping in track that we have some excellent programs that can provide models
19 for others and do coaching and mentoring and so forth. This is occurring in other parts
20 of the state and the nation. And it's really feasible for us to duplicate this here. We also
21 must provide providers with the knowledge and the tools to really gather those
22 performance measures both for their own information and how they can improve the
23 programs and again making sure as we expand our funding capabilities and capacity,
24 we really are able to convince investors that this makes sense to invest in Out-of-School
25 Time. Moving on to finance and resources, there really needs to be a structure in place
26 which links what needs to be financed and we're also talking not necessarily about
27 direct services, but the quality improvements, standards and so forth and an
28 infrastructure for this with how will this all be funded. And certainly looking again at
29 whether we're using current resources effectively, how can we expand with an eye to
30 sustainability. We've all experienced, especially providers themselves, but we as a
31 funder, the highs and lows of having funding to give out and having to tell providers, well
32 sorry, we have to cut your budget. And then as looking at similar conversations with
33 other human services, how can we blend, braid and leverage and all of those terms in
34 order to get the biggest bang for our buck. We've been trying to get a handle on what
35 the level of current public funding is for Out-of-School Time. We do know that there are
36 nine County public agencies that are funding out of school programs. Some of them
37 also directly operate those programs and then some also contract out. And funding may
38 be within their operating budgets or it may be through the grants of the County Council
39 and County Executive give. We are continuing to work with the agencies to get this list.
40 We want to have it disaggregated with certain types of information, for example, look at
41 what we're investing in particular areas of the County, which youth, what kinds of
42 programs and so on. We also must remember, of course, that our cities are key funders
43 and providers as well and develop data from them. We also put money in to after school
44 time and hopefully we have an opportunity in the upcoming budget negotiations with the



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1 Governor's Office for Children to expand our funding source, so let's keep our fingers
2 cross. Moving on to some major challenges, echoing what Ana has said, I guess there's
3 really probably no one in this room who hasn't talked about space and transportation as
4 challenges to current delivery and really considering expansion. As you can see on the
5 chart, there are multiple current or potential resources that can be used and probably
6 must be used if we want to expand by any sizable amount the delivery of after school
7 services for youth. Given however who we are presenting to, we wanted to take this
8 time to focus on these particularly in relationship to the schools just as a footnote from
9 the parents and youth that Cheryl analyzed the respondents, the vast majority were
10 using programs that were located at schools so this is fairly relevant. First in terms of
11 school space, on page 34 of our report, we talk about the seven different ways or
12 combinations of ways that providers try to get into youth school space. And again,
13 thinking through as Ana has talked about, the energy that's taken to try and figure out
14 how to do that, we know that ICB has really worked hard to make school accessible at
15 relatively low fees compared to some other places across the nation, but it's still a
16 financial burden for providers because they're all operating on very minimal budgets to
17 begin with. So, part of the challenge, then, is figuring how do we decide with which and
18 how many programs in our school and those relate again back to student use and
19 desires. Both the work groups and the task force were pretty uniformly agreed on the
20 notion and this is not of course unfamiliar of the schools as community centers. With the
21 first step being establishing and enforcing a County-wide policy that schools are
22 community youth serving centers after the bell rings until parents come home from
23 work. Which is 6:00, not the typical 4:30 or so at this point in time. There needs to be
24 some sort of community level process that helps to determine what's needed in that
25 community, who should be the providers, and which part of the financing should parents
26 bear child care, for example, parents are the basic supporter of that and yet other
27 programs are free. There's a real mix out there of who's expected to pay. And then, of
28 course, maintenance of the leasing function for those important tenant relationships.
29 And then figuring out a way to ensure that MCPS gets reimbursed for wear and tear and
30 security concerns but that this doesn't place the burden on any one agency particularly
31 some small and emerging providers that we have in our community. The other one,
32 then, is activity buses. We know the activity buses are used for school sponsored
33 activities, if other programs are in the building, they try and take advantage of that
34 resource. But again, they vary by school. They only typically operate two to three days,
35 so we can't do a four to five day program unless that's increased. Better communication
36 between transportation of the schools and providers and, of course, looking at how we
37 can make sure youth get to off school site facilities, like our recreation centers because
38 they're an important part of the service mix as well. And again, ensuring similarly with
39 space, that one agency does not bear the burden. And if we expand activity buses, we
40 have a mixed activity fees, but it's not expected that MCPS finds money from
41 someplace else, it has to be beyond that. Now, we'll turn to Georgia, who did some
42 research around collaborative structures and what are some of our keystones --.

43
44 Georgia Hall,



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1 We spent some time interviewing and conducting focus groups with stakeholders
2 throughout the County. And I just want to say that everything that we garnered from
3 those interviews and focus groups really affirms what Ana and Carol have just been
4 talking about as some key issues and concerns that have been expressed by
5 stakeholders throughout the County. I think that's important in a sense of understanding
6 that there's likely to be broad advocacy for system building and that these concerns are
7 widely spread across agencies including school representatives, provider
8 representatives, et cetera. So, I think we had a broad scope in the folks that we talked
9 with. So these really do emerge, these issues we've been talking about, things like
10 growing capacity of programs, growing quality in programs, professional development,
11 and figuring out issues related to access around transportation and facilities are key
12 concerns broadly across stakeholders in the County. This notion of system building is
13 not a new notion. There has been a number of initiatives throughout the country, both
14 citywide, Countywide, that have involved building systems of after school. And so we
15 have learned a lot already from this work. And one of the things we've learned is that
16 there are elements of well functioning systems and so I can throw out a list to you which
17 is also in the power point presentation. But things like on a system level having shared
18 goals and values and having partnerships and collaborations and in infrastructure that
19 supports agreement and supports quality standards across the system that provides
20 ways and mechanisms for the system to hold together. There's all these sort of
21 elements of a well functioning system and it's true that you might not have all those
22 elements at once, but the more you have the better the system is and the more each of
23 those elements are well functioning, the more the whole system is functioning. There
24 was a very large initiative around system building that started actually in 1995 and it
25 was a seven year project and it involved three major cities, Boston, Chicago, and
26 Seattle. And based on what we learned from that initiative, which -- was fortunate to be
27 very involved in that initiative. We had a test ground to say, well, what's the value added
28 of having a system. And based on all of those seven years of work, there are things that
29 we can say that people reported from each of those cities that they could see as value
30 added to system building and one being the distribution of resources in a more
31 equitable and collaborative scheme of distribution of resources. Many stakeholders in
32 those cities felt less isolated and opened up into new partnerships that previously they
33 didn't have avenues into in working with school systems and providers and other sort of
34 youth serving organizations. So new relationships emerged as a result of this system
35 building work. And also, the whole question of uncovering new resources, one of the
36 things we heard from stakeholders were was that there are probably resources that are
37 untapped, whether that be lack of partnership or just lack of knowledge or lack of time in
38 working together to tap into those financial resources. So, this is another sort of value
39 added from system building. And lastly, that investments in system building was found
40 to actually stimulate programs and organizations themselves taking a different and a
41 new look at the work that they did and how they could grow their own capacity. And it
42 sort of put a real mark of value on the work that they were doing and the importance of
43 working collaboratively together. I think that was, you know, maybe an unexpected but a
44 major value added of system building work.



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Unidentified

I think we're moving to strategic planning.

Kathy Lally,

Strategic planning, phase II. So, now we've got all this great information that probably begs more questions than it gives us answers. But I think through the work that we've done, we believe and demonstrated by your attendance today, that there is a strong support for us to move forward towards our next action steps. I'm pleased to report that in County Executive Ike Leggett's budget, there is \$200,000 dedicated to the Collaboration Council to begin this work in terms of bringing on, we hope, a few more people to help with the work. And before we go too much further, what we hope also occurs is that there's some sort of summit, some sort of place and time that's dedicated with the elected officials and the other key stakeholders, providers, youth and parents, so that we can have another conversation about immediate next steps and how we can begin to build the system even more thoughtfully than we have and truthfully, it's hodgepodge in its current state. It's incredibly diverse and complicated. But we really think that with the investment of the County Executive, your willingness to sit here today with us and hopefully we'll be able to get in a dialogue in just a few minutes that will begin that next phase of the work that will also get at the financial investment, better understanding what is already funded, what are the outcomes that we can report on and also beginning collaborative planning for both public resources and we hope eventually private resources. The community foundation is having a funders roundtable this year on after school so I think that's another important step forward. And hopefully through the summit and subsequent conversations we'll get agreement on at least two or three key standards that we want after school providers to take on and implement. We're also hopeful that with the County Executive's resources and resources that we are planning to receive from the state that we will be able to be able to work with the after school institute to bring their expertise in what they've done in the city of Baltimore with the after school providers, so that we can get that consensus on standards in a phased in approach to implementation. And then eventually, in the long, long term, that we have high quality program expansion throughout the County. And the systems change that we want to see in the County is that folks understand where the programs are and how they can get their children enrolled and that it's easy to access. It's not that way right now. We think with the tools of Info Montgomery and your political will to move this forward that we can really make some significant strides.

Carol Garvey,

In close with a very eloquent quote, changes all around, whether this change becomes an epidemic of risky behaviors, juvenile crime and academic failure, or a positive developing and engaged youth prepared for adulthood, is dependent on how and in what places we push. The demonstrated promise of high quality after school programs supported by a sustained infrastructure of standards, funding, and accountability can be the tipping point that brings us an epidemic of academic, social, emotional and physical



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1 well-being for all of our Montgomery County youth. So thank you again for the
2 opportunity to talk with you today.

3
4 Council President Praisner,

5 Thank you, very much to all of you for the beginning of what is, I think, a very important
6 and critical issue for the community as a whole and for the institutions of government,
7 obviously. I have lots of lights, some of which I hope are School Board members as well
8 as Councilmembers who have questions and I'm going to just by moving the mic thing
9 to the right, you'll indicate -- oh, they all lit up. Great.

10
11 Unidentified

12 Excellent.

13
14 Council President Praisner,

15 That shows we're technically literate at this point. I'm actually going to start the process
16 and then turn to colleagues and I think turn to Nancy and then we'll just go down the
17 row and that way folks can ask questions. But the question that I have is, as we begin
18 our second phase or the additional work that you recommend, one of the concerns that I
19 have is making sure that we have reached all options that may be available for activity
20 at this point. And you focus very much, obviously, on the organizations that we know.
21 But I suspect that there are maybe a series of community groups that may not be
22 accessing public resources at this time and may not even be using school buildings that
23 are out there and somehow it seems to me that we have to open up the umbrella or the
24 tent and make sure that we, as we approach these issues, as we map what's available,
25 as we talk to providers, as we talk to youth about what gets them into this activity and
26 the value of that activity, we also need to make sure that we're capturing organizations
27 that might be community based, that might be religiously based, that might be more
28 informal in the home, focused on child care per se and trying to make sure our definition
29 is broad enough to not be exclusively directed at something that occurs within the
30 school building or within our rec centers. We may want it to, or it may want to, but right
31 now I have a feeling that there are barriers to entry or great stuff going that we don't
32 know about and doesn't need us. That we need to make sure we capture now so that
33 the dialogue is as broad as it can be. And the second point, later on, that I'll want to talk
34 about is this concept of a summit, which I'm not, I think we need to obviously flesh out,
35 but also that seems to me also to be a way in which we need to make sure young
36 people who have views, providers who have views, and parents who have views, have
37 an opportunity to be at the table since we often talk to each other and not necessarily to
38 the crowd. So, whatever comments you might want to make and then as I said, every,
39 almost every light is on, which is great. And we'll turn to Nancy, first, and then just go
40 down the line I think is the best way.

41
42 Carol Garvey,

43 We completely agree with you about the difficulty of finding the more informal providers,
44 particularly a face community where they have their own facilities and their own



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1 resources. We're hoping that as we gain visibility and this effort gains visibility, that
2 people will realize that we want their input and we are trying to get the word out. And we
3 would appreciate if any of you know of programs that you let us know and we'll contact
4 them and put them into our database. We want that to be as complete as possible.

5
6 Council President Praisner,

7 Well we may want to engage some community groups and our media in some way to
8 make sure whatever, and an event may be a motivator. But I really feel that there's a
9 whole community out there that is doing great things and we're not necessarily
10 communicating with them and they may not need anything. But we need to know that
11 they exist.

12
13 Carol Garvey,

14 We sure do. And we may be able to provide them with more participants.

15
16 Council President Praisner,
17 Nancy? Let's see, that one.

18
19 Nancy Navarro,
20 Oh, there I am.

21
22 Council President Praisner,
23 There you are.

24
25 Nancy Navarro,

26 Well, once again, thank you for this presentation. I really just had a couple of comments
27 as I was listening to everybody. Stefany, thank you so much for your amazing
28 participation and illustration of what you're doing and contributing because it's very
29 important especially for your peers. As a Latina student, I think it's really important to be
30 a role model. One of the things I keep thinking about is all the conversations that we've
31 been having at the Board of Education table as it relates to the notion of how do we
32 address this tipping point. And that's why it's so interesting to read this, because this is
33 a term I know I've been hearing a lot about and I've been talking a lot about. And my
34 colleagues at the Board of Education truly recognize that we are a microcosm of what
35 you were just describing. And so I get a little frustrated when I hear descriptions of these
36 issues in sort of a silos motion. These are not different students that we're talking about,
37 they're the same exact students that come to our schools every single day. So we're
38 very mindful of that. And I know that each and every one of my colleagues wants to
39 make sure that we begin to shift the way we think about how do we deliver our services
40 without losing our vision of academic achievement because it's all connected. So I hope
41 that we don't go down a road of looking at academic achievement somehow exclusive
42 from what happens after school. And that always goes back to funding and as Ana
43 forgot to mention, I think, we did have an amazing meeting with you and the
44 superintendent to talk about some of those issues and how we begin to address and so



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1 that was just an individual meeting Ana. But in reality, the Board wants to make sure
2 that we have the structures in place in the school system to facilitate what you're trying
3 to do as well. So I just wanted to share that with you because I think it's important that
4 we need to be at the same table when we're talking about this. When we talk about
5 comprehensive need, it should never be, you know, in spite of or at the sacrifice of other
6 priorities. But we are at a tipping point and you're absolutely right. And if we don't stay
7 focused on our vision whether it's academic achievement or whether it's out of school
8 activities. We're in for a real surprise, I think. And I've been working in the community
9 level for a very long time. So this is not new. I've feel like we've been there, done that
10 but we are getting into that tipping point so it will be important for all of us sitting across
11 this table specifically to understand that. I just wanted to also mention that, you're right, I
12 think it would be great to begin to look at what are the untapped resources. You know,
13 I've been in conversations with the philanthropic community here in Montgomery County
14 who sometimes feels frustrated because they're not sure how to come in and really
15 help. We also suffer from the Montgomery County, we don't have any issues syndrome
16 and a lot of times that is a challenge, well not a lot of times, it's always a challenge,
17 especially at the state level right now with our issues with GCEI. We really do need to
18 ensure that we have the same message and that we showcase the notion, that yes, we
19 do have issues. And local government should not have to carry all the burden, but we
20 do have people that want to help and folks that want to contribute. Same with the
21 business community. The issue of the use of facilities, it's huge. And I hope, I know
22 there's a meeting that the board will be having and Ms. Brandman will be representing
23 the board with ICB. We do need to address that issue. The school system a lot of times
24 carries a humongous burden if you will, because the schools are actually utilized quite a
25 bit. And that means that the wear and tear is translated into then community PTA
26 parents coming back to ask for more and more attention to how do we address those
27 issues. There's always a cause and effect. And whatever we can do to address that, I
28 can just say to you, that the Board of Education is absolutely committed to be here as
29 full partners. But not at the expense of academic achievement. Because one cannot be
30 disjointed from the other. As I said, they're the same exact children. So I just wanted to
31 make those comments and really commend you, I think you're right the political will is
32 there and a tipping point has arrived so whatever we do to merge those two and move
33 forward, I think in the end Montgomery County will continue to ensure its quality of life
34 and we will continue to be proud of living here. Thank you.

35
36 Council President Praisner,
37 Thank you. Ms. Ervin.

38
39 Councilmember Ervin,
40 (laughter) Thank you very much. It's a very interesting report. I know a lot of work went
41 into this – and one of the things I want to talk about is how important our use of
42 language is. I got very, very worried about this term at risk. On the one hand we're
43 talking about this tipping point, whatever that means. I think tipping point means
44 different things to different people. I believe that in Montgomery County right now my



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1 idea of tipping point is that for the first time we are in a majority minority school district
2 and what does that mean to us. Sometimes the words we, the language that we use
3 sends the wrong signal to the very people that we're trying to engage with. So I see a
4 Latino child on the street, my connotation about that child when I think at risk, is these
5 are those children that we have to worry about. They're going to end up in gangs.
6 They're going to end up in jail, there's problems. So when we write reports and when we
7 continue to use this terminology at risk, tipping point, it sends a signal to our community
8 that in some neighborhoods it's very scary, which is why you see this national trend now
9 all about policing and locking children up, and putting them in jail. That's not the
10 direction I think Montgomery County wants to go in. When I read your few paragraphs
11 on -- Montgomery, the thing that stuck out in my mind, was we talk about the what but
12 not the why. We described these to families, you know, we've heard these stories
13 before, but I think that the important thing is to connect us with what the school system
14 is doing. The work of the School Board and the school system is very important,
15 because they're focusing on the why. We know what the what is. Let's get to the why.
16 This connection that Ms. Navarro has pointed out between academic achievement and
17 after school programs, I was on a panel last night, at Georgetown University. It was very
18 interesting talking about our achievement gap and what we're doing to close that gap.
19 There were panelists on the panel from charter schools in D.C. that have extended day
20 opportunities for the poorest children in the district and what that --.

21
22 Council President Praisner,
23 Looks like it's on here.

24
25 Councilmember Ervin,
26 It's on now. The poorest students in the District of Columbia who are served by some of
27 these charter schools, Kip is one of them, the Seed School is another one. What we
28 need to do is learn from our neighbors, even though they're struggling just as every
29 school district around the country is struggling, if you put a child in an extended learning
30 opportunity from 7:00 a.m. to 6:00 p.m., things are going to change for that child. And it
31 doesn't necessarily mean that the program has to be academically focused for the entire
32 day. They have dance. They have music. They have art. They do ceramics. They do
33 physical activity. Let us begin to learn the lessons from the people who have these
34 opportunities to look into these laboratory schools and see what we can glean from that.
35 So I wanted to just say, talk about language and my hope that we begin to really pay
36 attention to how we describe this phenomenon because it's going to continue to grow
37 when we talk about diversity which I hate. I think it should be more about multicultural
38 awareness because we're talking about people's culture instead of describing Thomas
39 and his family living in a household where the mom and dad are working all day long,
40 what is the why? The why is that that family is working two or three -- those parents are
41 working two jobs because they're not being paid a living wage and they have no
42 opportunity for insurance. And so we've got to look at this thing and I think Nancy put it
43 really well. We tend to look at our institutions in silos and we've got to get out of that. I
44 really do thank you for the work that you're doing. I look forward to this conversation as



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1 we go through the budget. It's going to be very hard for me to take seriously some of the
2 things I'm hearing from across the street in the executive side when we cut \$20 million
3 out of the school system's budget but expect on the other side of that that we're going to
4 be able to provide all the kinds of things we need to provide in our communities for this
5 very interesting and difficult place where we find ourselves in. Thank you.

6
7 Council President Praisner,
8 Councilmember Leventhal?

9
10 Councilmember Leventhal,

11 Well, Madame President I want to really thank you very, very much for scheduling this.
12 And I think this issue, as everyone has said, is so critically important that it deserves
13 exactly the high level participation that is in this very large room both in the auditorium
14 with the department heads and senior staff represented here, and school system
15 officials, the superintendent and others and also from all of us elected officials here.
16 There is, I can't think of an issue that is more important than the question of whatever
17 term we give it, Out-of-School Time or whatever we call it. And so I think we've got a
18 good effort here. I appreciate the Collaboration Council's leadership. This is definitely
19 value added. That the Collaboration Council is able to bring to us a survey of all of the
20 many activities going on amidst the many silos and there is much to be gained from this
21 report. I understand it's just the beginning of a long process. We do not have what I
22 actually asked for. We don't have it yet, that is how many kids are participating, where
23 are they participating, what is the need?. I see the flowchart that indicates we're going to
24 continue to try to refine that. Other colleagues have touched on this, including the
25 Council President, but let me say that I hope that we will avoid two of the frequent gaps
26 in studies like these that go on in Montgomery County. Number one is to fail to look at
27 what has worked in other jurisdictions. So let us please do that. I heard Ms. Ervin say
28 that there are some interesting efforts underway just right down the street in the District
29 of Columbia. Second is to completely ignore the religious community which we do way
30 too often in Montgomery County government. And Mr. Knapp and I have been working
31 with the County Executive to try and define a position in the executive branch on the
32 second floor that would be a permanent liaison to the religious community. And this
33 deserves a lot of thought because I am not suggesting that we blur the line between
34 church and state. There is a difference in mission between government and religious
35 community and yet, boy there's a lot of facility space and there's a lot of after school
36 activity going on now. And if a primary purpose of what we're trying to do is simply to
37 inventory so that we know what is going on, the Council President mentioned this,
38 there's an awful lot going on with the religious community and there's even greater
39 potential for leveraging and for expanding our reach there. So let us not, and -- I don't
40 mean to sound critical in anything that I say, because I appreciate the work that has
41 been done. As I review the various committees that have been assembled to pursue
42 this effort, I might suggest a little more outreach in the religious community. This
43 touches on almost everything else we're working on. It touches very much on the issue
44 of grants, grants to nonprofit organizations. Last year we did indeed make grants for



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1 after school programs a priority. I would certainly urge to the extent that there are any
2 resources above and beyond the County Executive's budget this year, that the issue of
3 after school programs or Out-of-School Time programs receive very high priority from
4 the Council this year in giving support to nonprofit organizations. So it certainly is a
5 priority for me. We need a longer school day. And there are opportunities, Ms. Ervin has
6 said. I'm sorry to ditto so much of what my colleagues have said but I think it's important
7 that we hear from many elected officials that these are priority issues. You know, I hear
8 from kids they don't have down time. I hear from kids, my own kids, and others, they
9 don't have study time. I hear from parents, a lot, frustration about lack of physical
10 activity and physical education. I hear from kids a lot that they are sleepy. And so I know
11 that there are reasons why the school day is what it is. And I know there are contracts
12 negotiated with various unions, and there's issues of traffic and there's issues of, you
13 know, school bus, and many, many, many issues, and yet we know we need a longer
14 school day. And we know that we could build in windows of time in the middle of the day
15 that might be less structured than other times of the day. But, you know, when high
16 school kids are free at 2:00 p.m. with nothing to do, we have a problem. When middle
17 school kids are finished with their day at 2:30 p.m. We have a problem. So, I understand
18 there are reasons why the status quo exists, but we've got to take a fresh look at some
19 of these issues and evaluate the school day. I want to elaborate on something else Ms.
20 Ervin said. Latino youth are not the same thing as gang members. And we have heard
21 statistics that really are very enlightening and that back this up. Okay. We have, I wish
22 Chief Manger was here, in fact, is there anybody here from the police department.

23
24 Council President Praisner,
25 No, I don't think so.

26
27 Councilmember Leventhal,
28 Alright, well I know Luis Cardona is here. We've heard that at any given time in
29 Montgomery County there might be a couple hundred active gang members who we've
30 identified and who we suspect are out there, less than 300 active gang members in
31 Montgomery County. Now that's scary. That sounds like a lot. That sounds like a lot of
32 young people, okay, of whom not all are Latino. Some percentage but not all. Okay. The
33 Latino population of Montgomery County which is nearly a million people, is in the
34 neighborhood of 12%. Okay, that's 120,000 people of whom most are young. Okay. So
35 we have tens of thousands. I don't have the number handy. But, you know, tens of
36 thousands, maybe 50, 60,000 or more Latino youth of whom maybe 100, maybe 150
37 are gang members. The vast difference in scale of the composition of our Latino youth
38 and activity in gangs is just extraordinary. It's very important we keep that in mind. It's
39 very important that we listen to young people as we try and construct this discussion,
40 how do we do that, young people don't all speak with one voice any more than adults all
41 speak with one voice. But, it's very important that we seek to do that. I just finally want
42 to touch on the point, I think it was, I can't remember, I think it may have been Ana
43 Lopez who brought it up, I'm very struck by the rise in teen pregnancy. And we know
44 that the issue of after school programs is connected to concerns about fitness, concerns



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1 about drug activity, gang activity, sexual activity. We understand all that. Chairman
2 Knapp and I are going to have a conversation specifically on the issue of teen
3 pregnancy, a joint meeting of the HHS and Education Committees. I think it's very
4 important that we incorporate somehow young people in that conversation. It can't be
5 lack of access to information in the age of the internet in 2007. So there are other things
6 going on and it certainly is directly linked to how young people are spending their time. I
7 just want to re-emphasize the importance of this discussion. And I thank the Council
8 President. This was a very good use of our time and I appreciate structuring this and
9 glad to see my good friends and colleagues from the School Board.

10
11 Council President Praisner,

12 Thank you. Mr. Elrich. We're going back and forth this way. I'm playing ping-pong.

13
14 Councilmember Elrich,

15 I thought that was a delicate way to deal with the back and forth there. I want to thank
16 you all for your report. And some things came to mind as I was listening to you all talk.
17 One is, I guess a little over a year ago, I attended a community meeting off of Route 29,
18 in a very densely populated apartment complex with many, many social issues
19 apparent. And it was at the time I think that the stuff was going on in Paris. And I
20 couldn't help but thinking that when I think of a tipping point, I think of a tipping point
21 when enough people get this effect in the field, they have in their future and no
22 possibilities. And as I listen to people talk about being pushed out of their homes, the
23 inability to make rent, the kind of overcrowding, listening to, you know, young people
24 who couldn't find jobs, who weren't in school, young adults who weren't working, I kept
25 wondering what these people would ultimately do. I just do not believe that people will
26 quietly be pushed over to the sidelines in a very prosperous society and sit quietly just
27 getting by. I think that we face another tipping point that I think we have to take that
28 seriously. It's just not possible to watch the kind of splitting of our society into those that
29 have an awful lot and people that have nothing. And people always say, well it was
30 always like that. It was true, you know, it was sort of like that when I was growing up,
31 but the differences are enormous. And people's perceptions of the differences are
32 enormous. When I grew up in era of black and white television, and you know, things
33 didn't look very glamorous. People had slightly bigger houses, but there weren't many
34 possessions that you could have that somebody else didn't have. If you think I watched
35 Ralph Kramden and you know, and his wife in their apartment, in New York, and you
36 know, their walls were cracked, their sink was terrible, their refrigerator, they had a
37 couple pieces of furniture. You know, he was a union bus driver. And you know, his
38 partner was, you know, a union employee, he was a union plumber. And you think
39 about the number of material things that you didn't have versus what other people had.
40 And the gap wasn't all that great. Now the gap is great. I think the gap, I think that's
41 what makes this situation different. That gap, I think irritates people more than the gap
42 that existed before. And I think that's one of the dangers we face is having too many
43 people perceive that there's too much difference between what they've been dealt in life
44 and what other people have been dealt in life. So, I look at this. You know, I do think of



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1 a tipping point. I think it's a serious tipping point. I'm interested in a holistic approach to
2 things and I appreciate the focus on after school. But there is so much data that says
3 that outcomes, social emotional outcomes and educational outcomes are affected by
4 what happens before they ever get to school. We're not talking about four years old and
5 pre-K. We're talking about critical years of one to three. And I shared some information
6 with my colleagues, there have been a couple of, you know, increasing number of
7 articles that talk about this. I don't want to be in position of trying to triage constantly a
8 flood of problems that are created by what happens in the beginning. And so when I
9 think of Out-of-School Time, Out-of-School Time means before you get there, before
10 you even step foot in the school the first time and what you do when you're out of school
11 at the end of the school day. I agree with your comments about social emotional
12 development as important as academic. Because if you're not socially and emotionally
13 comfortable, the best tutoring program and the best teaching techniques don't cut it, and
14 it works the other way as well. I mean, you've got to be able to, you've got to be willing
15 to receive what's being given to you and if I deal with your social emotional issues,
16 that's not going to make you a better student because if you have accumulated deficits,
17 I could give you all the counseling in the world but if you can't read what's on that paper,
18 you're going to go back to the same kind of pit, for lack of a better word, that you find
19 yourself in, of feeling, like, you know, I can't even read this, I can't keep up, I can't
20 compete. Telling me I should feel good about myself and that, you know, I'm a
21 wonderful person, doesn't cut it when you walk into a classroom and you look at what's
22 on the paper and it doesn't make any sense to you. So I think we have to address the
23 both social emotional side and the academic side as critical. When we talk about
24 programs in the County and I mean no disrespect to anybody who's providing any
25 program in the County. But we on the one hand acknowledge that everything we have
26 done has grown up in a stovepipe. And that there's not a lot of coordination between the
27 different groups. And my concern is that as we identify what needs to be done, that we
28 don't, that we morph the programs to fit the needs of the children, that we don't morph
29 what we're giving the children to fit the program provider. A lot of program providers and
30 they do a lot of good work but it may be that at the end of the day when we're trying to
31 efficiently decide how we're going to get the services to the people who need the
32 services, that we're going to need to coordinate and programs are going to have to
33 change and it's not that we funnel everybody into what is there, what is there may have
34 to morph in order to be successful. I want to ditto what George and Valerie said about
35 broader issues. Safe, secure housing, access to medical care and stability of home life
36 are absolutely critical to school success and to human development success. I mean, in
37 a larger sense, it doesn't matter whether you get a C, B, or A in school. You can be
38 successful at any of those levels. What matters is, you know, what you do with the
39 knowledge you have and how you position yourself in society and that's about
40 developing a human being not an academic outcome. And I think, you know, we have to
41 -- as we're talking about what we want to do in terms of counseling and whatever else
42 on the social emotional side and what we're going to do academically. I think we as a
43 Council have to think about the things that Valerie mentioned, that, you know, if you
44 can't feed your family and you can't pay your bills, you know, this is an invitation to



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1 trouble. This is not the kind of environment that people should be growing up in. Last
2 thing I'm going -- well, two things, one is, I agree with the extended day suggestion, I
3 would support extended year. I think it's time to think seriously, I've mentioned this
4 before about not getting kids out of school until they're either 18 or they've graduated. I
5 mean, putting a 16-year-old on the street without a high school diploma I think is a real
6 problem. This is an invitation to trouble. I think that if, on the one hand, kids knew they
7 were going to be in school until they were 18, they might take that more seriously. I
8 think we ought to think about whether, you know, the 16-year-old, which is kind of a
9 farm requirement going back to the early part of the century is a little out dated in the
10 21st century. I don't think we serve people very well. And the last thing I'll say is this is
11 not a school budget debate. But I just think we just need to remember that everything
12 that needs to be provided for people doesn't have to be provided from the school budget
13 and there are lots of other budgets that we need to fund adequately in order to meet the
14 diverse needs that are being presented in the community. And we need to find the
15 resources to make sure that we can, you know, address the problem as broadly as
16 possible.

17
18 Council President Praisner,

19 Thank you. I think that our newest School Board member -- .

20
21 Unidentified

22 That's pretty good.

23
24 Council President Praisner,

25 No, Sarah said no. Sarah declined.

26
27 Unidentified

28 I'll defer to Sarah.

29
30 Council President Praisner,

31 She indicated that she didn't want to. I asked her.

32
33 Chris Barclay,

34 Let me first thank the panelists for your reports and the Collaboration Council for your
35 report. It was encouraging and at the same time concerning to read what you've written.
36 A couple different things come up, I guess, and we could go back over all of the
37 comments because I agree with probably 95% of the comments that have been made. I
38 think one of the big things that came up, and I can't remember exactly who said it, was
39 the issue of providers that were culturally competent. I guess the other piece would be
40 providers that are culturally competent and relevant. Because one of the biggest things
41 that I found and I think it was echoed in the words of Ms. Navarro, Ms. Ervin, Mr.
42 Leventhal, basically everybody has said this is, we are at an interesting juncture in this
43 County. And for sure as a School Board member in looking at our school system having
44 a majority/minority school system, we are going to have to really look at how we are



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1 meeting the needs of our students and who those students are and ensuring that we
2 understand who they are. Because otherwise I think these programs are not going to be
3 as successful as we would like them to be. So just moving forward, I think Ms. Ervin's
4 comments on the report are very important, because I know that I've come before the
5 County Council and come before the Board of Ed before I was a member and spoke to
6 the issue of the language that we use, of the achievement gap and the fact that we
7 speak in terms that kind of create a division between African-American, Latino, Asian
8 and white students, and speak of some as being more competent and more successful,
9 when in fact it may be that some are under achieving. Okay. And we may need to look
10 at our language, because as Ms. Ervin says, I think it does sometimes put folks off and I
11 think it's really important for us to start to address this. And I think Mr. Leventhal
12 addressed that in terms of the gang members and these issues of at risk children.
13 Because as we move forward towards the summit, which I think is a great idea, the way
14 we're going to get folks to come to the summit is to ensure that they feel this is
15 worthwhile, that it's relevant. And if we're speaking a language that speaks down to
16 some communities as opposed to others, I think we'll still see folks underrepresented,
17 but in fact if we figure out those best ways to speak to all communities, I think we can
18 then include them in and have them as active participants in that summit. And I do
19 agree our young people are really going to have to be central to it because the reality is,
20 it's their lives we're talking about. After school is not my life. I'm still at work. After school
21 is Stefany's life. It's my children's life. It's all of the children that we're not with right now
22 at close to 4:00, you know. And we won't be with for several hours. You know. And it's
23 figuring out how to fill that gap. So, I really appreciate the work that's in the report. The
24 other thing, I guess is the issue of best practices. I would love to hear from the panel
25 what they're seeing in any of their work in terms of best practices, where is it working,
26 and in fact, what's the definition of working, what is the definition of success? I mean, is
27 it that we're seeing, you know, students who are engaged in school, we're seeing higher
28 grades. What is it that we're seeing that we define as success? You know, for us in the
29 schools obviously, you know, seeing students achieve academically is our definition, but
30 the other piece is in the County Council or the Executive saying, you know, preparing
31 our children to learn and live and, you know, what's that part on live that you would
32 define as success? So I would just want to raise those and I guess, this is a budget
33 discussion. Political will is, to me, is all about money. If you don't have it, you can't do it.
34 As much as I would love to say, I could will my way to do things, if I can't pay my bills, I
35 can't take care of business. And when we talk about kids that are at risk, we're in fact
36 talking about kids whose families may not have those financial resources to put them in
37 BAPA or put them in certain programs after school, a kid who loves theater but their
38 parents can't afford it and there's nothing provided in their local community for them. So,
39 I think it is, you know, a discussion of budget and political will. I think they're very tied
40 together. So, again, I do thank you for your work because I think it's excellent. It's
41 extremely helpful to see this down on paper and to give us something to work with and
42 Madame President, I thank you, Presidents, I thank you both for creating this
43 opportunity for us to do this together. Because I think it is really important and it is a



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1 good follow up on our January meeting to seriously get down to looking at this report
2 and then looking at what are the possible next steps.

3
4 Council President Praisner,
5 Let's see, Judy Docca.

6
7 Judy Docca,
8 (multiple voices) Okay. (laughter) Okay. I'm always technologically challenged.

9
10 Council President Praisner,
11 He's -- he's trying to brag because he learned that two months ago.

12
13 Judy Docca,
14 (laughter) I too want to thank the Collaboration Council. But I also want to thank Ms.
15 Praisner for working with Nancy and with us to have us all here so that we could hear
16 this together and we could kind to talk together and share some ideas. I'm sorry. Now, I
17 can't talk. Oh, thank you. There are many important things that I read in your report and
18 I don't want to take too much time to talk about everything. But I read both the report
19 from Wellesley and the report that you prepared and I noticed that 3:00 to 6:00 is very
20 important to everybody. We've all mentioned that. And when I was principal, we had
21 after school activities. And it was disconcerting to have them end after three years
22 because the funding went out. It is so important from 3:00 to 6:00. And I can tell you this
23 from personal experience, my assistant principal and a teacher or two would go out with
24 me in August to visit every 6th grade home. And there were no parents there.
25 Sometimes there was grandparent, most of the time it was our students taking care of
26 siblings. So to me it's crucial that we have these programs from 3:00 to 6:00 and that
27 does mean a budget implication. The other thing that is important is that we need a
28 point person in the schools. If you're going to have a program in the school, you just
29 don't know how important that is. Simple things like being able to get to the ice machine
30 or being able to make copies of things. If you don't have a person that's coordinating in
31 the school with the programs, it makes it much more difficult for people to do things, the
32 closets, the, you know, places to store things. And we used to have that coordinator
33 through ICB, but it moved to recreation, and I'm not sure how many we have now. It's
34 also important to have programs during the summer. And transportation you've already
35 mentioned. If they're not on a bus line, it's very difficult for kids to get to and from these
36 programs. And it's just essential that we have that. I also wanted to say that salary and
37 benefits for the people who work in these programs is so important and we sometimes
38 don't think about that because we have these excellent people who want to do and want
39 to give back to the community and are wonderful role models, but they can't do it for
40 more than a year or two. They've got to move on. So, we really need to think about that
41 if we really want quality programs and these people are really role models as I said, for
42 the students. And that brings me to the kind of programs. You know, I'm from the school
43 systems. I think you have to have academics, I think you have to have homework, but
44 you know, after a long day, it is very difficult for the kids to do that. And they do need the



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1 exercise, which we talked about before. They're not getting as much in elementary
2 school but in middle school they get a little bit more. But it's important for them to be
3 able to let go a little bit. And it doesn't matter what kind of activities they are. My
4 experience with the kids is that simple things like making things with toothpicks, they
5 enjoy it. Sewing things. They also want the sports, there's no question about that and
6 that's the males and females. They interchange, they want to do those things. They
7 want art projects. They really want to create. So, the programs don't have to be
8 elaborate, but they have to be there and they have to be something that is more
9 interesting than being out in the street. Technology, I thought was really important but I
10 noticed in the Wellesley study that it was important but when they asked our people in
11 this County that was way down on the list. More important was having good people
12 work with the kids, having the activities that they liked. And so we need to think about
13 that. And also in the Wellesley report, they mentioned special populations which we
14 hadn't talked about very much and that they do need the afternoon after school
15 programs as well. So I really want to thank you for your presentation. And we do have to
16 think about how to put these programs together. They are very important. They are
17 almost as important as the academics you know , I said almost, because we've got to
18 get the kids ready for those things. And I also want to thank Stefany Rojas for her
19 presentation. She certainly is a wonderful example of what we can do with students.
20 She already had the interest in premed but then she branched out into arts. And we
21 need to have well rounded students and there are a lot of things in life that are
22 important, not just the academics. Thank you for your time.

23
24 Council President Praisner,
25 Ms. O'Neill.

26
27 Patricia O'Neill,
28 Well, thank you to all who participated in preparing this report. I think Ms. Hall began in
29 her remarks that, you know, it's a telling sign that we don't have to begin looking at the
30 research any longer. We know this is important and it works for kids. And I think if you
31 start with that as a baseline, then you do go into, it is a budgetary issue as both Mr.
32 Barclay and Dr. Docca eluded to and I think all of us know that it's hard to do. And as
33 the ebb and flow of the Montgomery County budget cycle has occurred over time, we've
34 had pluses and we've had deltas in terms of what we are offering for after school
35 activities for kids. I know Ms. Praisner knows we lost middle school sports and we
36 restarted it with an activity fee and it never quite reached the point where it was when
37 the County had to make that tough choice. And, you know, it was a terrible time in
38 making those decisions, but it's just a reality of where we were. You know, the ICB
39 funded after school activity coordinators in all of our middle schools through a grant
40 process, continued it, didn't have the money any longer to do that. And every one of our
41 principals said, if you're really going to have a program, you've got to have someone to
42 pull it all together. And it doesn't have to be the school system that does it all. We don't
43 have to be the responsible party. We just happen to have the buildings, the buses, and
44 the, pretty much the critical mass of kids there. So we have a captive audience or a



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1 ready audience of people who need this. The activity buses, you know, when the school
2 system increased their walking distance, we looked at, could we do a combination of
3 ride on buses and our own transportation to fill the gap, to say -- and it didn't work. And,
4 you know, we have activity buses only two to three days a week and obviously that's not
5 adequate. And based upon this report, principals have known that. Some of our
6 principals have paid for activity buses through money garnered from their soda
7 machines. Because they recognize the need for more activity buses. And the issue of
8 working with the faith community, our number one outstanding out of school program is
9 for our suspended kids, and that's through our faith based communities, Sharp Street
10 and others and, you know, I think that is truly a model that, you know, we can build on
11 for, you know, other out of school activities. But I think it comes down to budget. Sure,
12 you know, the issue of childhood obesity is a big problem. And as movements have
13 come about to try to increase the amount of time for physical education, you know, in
14 our six-hour day at the elementary schools, it's pretty darn difficult to really expand that.
15 Recently there was a bill in Annapolis to expand the amount of physical education to up
16 to 150 minutes for elementary kids. Carol County testified that if that was to pass, they
17 would need an additional hour in their school day and that cost would be \$20 million. I
18 don't know what the total amount for an additional hour of Montgomery County public
19 schools would be, it would be well over \$20 million. I'm sure Dr. Weast could get that for
20 us.

21
22 Councilmember Floreen,
23 He's got it in his pocket.

24
25 Council President Praisner,
26 (laughter) His head just hung down a little (laughter).

27
28 Patricia O'Neill,
29 \$20 million for Carol County, and Ms. Brandman heard Steve Guthrie from Carroll
30 County say \$20 million for one additional hour. So I do think we all need to look at it.
31 But, you know, whether it's paid for out of MCPS, you know, it is evident that parents
32 can't always afford to pay for all of this. And, you know, it is about budget and money.
33 And the final thing I want to say, you know, as someone who has a psychology
34 background, you know, -- and you learn through play is very important. It's not just
35 about academics or extending that academic day. It is about allowing children time for
36 physical activity or Daniel Pink says that we're going to need to develop that right side of
37 the brain to be competitive in the 21st century and that comes through arts program like
38 Stefany participated. So thank you for your work and I look forward to all of us
39 continuing to roll up our sleeves and hopefully find a miracle, you know, win the lottery
40 or something so that we can pay for it all.

41
42 Council President Praisner,
43 Councilmember Floreen.



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Councilmember Floreen,

Thank you very much. And thanks to all of you. And thank you for sitting here and listening to us address the challenges of the plan. A couple of things. I agree with many of the things that everyone up here has said. I was sitting here counting, Judy and I, did you check my math?

Judy Docca,

Yes.

Councilmember Floreen,

According to your material, there are about 96 programs serving children in after school environments today. And something that Ms. O'Neill just said, reminded me that, one of the things that I would hope that you would look at is a little bit of historical perspective. The things that have been, that haven't been funded that were funded at one point and have not been funded, some of the basic infrastructure issues are programmatic approaches that may have been excellent. I really don't have an opinion about it. But it's not just new approaches, it's perhaps things that we might be even better equipped to handle based on our existing structures, that we tried and then for one reason or another over time, we did not continue them. Simple things like activity buses. I mean, they don't involve, maybe not simple in terms of funding, but simple in terms of solving some of the road blocks to all of this. I would ask that you give some attention to the historical activities of this County in trying to address current expectations and needs. Because I think some of that work has been done. I've, probably if you sit down with Ms. Praisner for a couple of minutes, she'll fill you in. But I know that there is a lot of good work that has been done and I would ask that you look at that in your next step. Another thing, I absolutely agree with Ms. Ervin about the question of language and a couple of people have mentioned that. And I think, you know, this is more of a philosophical observation. I hate hearing majority, minority. I mean, what there is, is there is just a different majority group here now. And I think when you talked about tipping point, you're suggesting that, you know, we're about to collapse. At least that's how I read, how I think of the Malcolm Gladwell approach to defining situations. And it helps to define the problem that you're solving, I think. When you say tipping point, I mean, if this is all about addressing the items that you've identified here, gang violence, certainly risky behaviors, pregnancies to children, who shouldn't be engaged in that kind of activity or whatever. Let's say that. But I'm not sure that that is what this is really about. I think it's more about creating self-esteem in our children and putting them in a position where, you know, we have to worry about all the other stuff, the housing, the economic development, the transportation needs, the time needs that parents and families can have to address on a daily basis. But where you can help us, I think, is in identifying really functional solutions to an after school environment, because that's all we ask that you're focusing on here, what can be done after school. So, I would just hope that you will not reinvent the wheel with all of this, but look at some of the tools that we have in place or had in place. I think it will be very important for us to hear what kinds of standards should be employed, because we are regularly facing a large number of



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1 people with good objectives and organizations with tremendous needs. None of us want
2 to disagree with any of them, but I think we do, we have come to a point in time, we're
3 given the fiscal challenges of getting anything to work right. We truly need some good
4 standards and I would also hope that, and I know this is part of your work program, who
5 does it the best? Is there someplace, you refer to some programs in Baltimore.

6 Perhaps, there's some other comparable ones. But I think, you know, you might want to
7 take a test case or take one program and tell us what is so great about it and what are
8 the things that make that so particularly successful. And that may well be what you're
9 planning to do in your next stage, but I think that would be helpful for us as we look at
10 this initiative. It's not just a school system thing, it is a multi-agency approach to future
11 planning and organization. And I hope that you will take that in mind as well as you
12 move forward. So, thank you very much. And look forward to hearing more from you.

13
14 Council President Praisner,
15 President Navarro wanted to make a comment before I turned to Vice-President Knapp.

16
17 Councilmember Knapp,
18 Oh sure.

19
20 Nancy Navarro,
21 It's very brief comment. Sorry, Mr. Knapp. I just have to excuse myself because I have
22 to go pick up my daughter from school, by the way. But I wanted to thank my colleagues
23 as well as the panel, Collaboration Council and – Community Bridges. Thank you
24 everybody for this great work and I look forward to more opportunities to address issues
25 of this sort in the future. So, thank you. Sorry I have to leave.

26
27 Councilmember Knapp,
28 Thank you.

29
30 Council President Praisner,
31 Vice-President Knapp.

32
33 Councilmember Knapp,
34 Thank you very much. There we go.

35
36 Council President Praisner,
37 There you go.

38
39 Councilmember Knapp,
40 And I think you'll start to see the trickling out of everyone as we head to 4:00. Thank you
41 all very much for the report. But thank you for enduring this. I always know that when
42 these are proposed, it always sounds like we're going to have a really good
43 conversation, we're actually going to talk to each other. And the reality is, that when you
44 get this many up here and that many down there that all we can do is kind of talk back



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1 and forth which is always a little frustrating I think for everybody engaged. So, thank you
2 for enduring with us. I will make just a couple quick remarks and, this wasn't working the
3 other day.

4
5 Council President Praisner,
6 Well, the light's on.

7
8 Councilmember Knapp,
9 First of all, I extend my appreciation and thanks. But I guess the one thing, and this is
10 where I continue to struggle in doing this position well, is we tend to take a long time to
11 do a lot of things. And even in the report that's in front of us, we're looking at a good
12 couple years before we get to a kind of, the next steps. And the part that I think that, you
13 start out in opening remarks, teen pregnancy continues to increase, children who are
14 drawn to gang-related activities continue to increase, not next year, not next month, but
15 actually probably right now there's some kids that are out there that because of the
16 absence of other programs are being drawn to things that we probably wish they weren't
17 being drawn to. And so the challenge I think is what do we do now? How do we move
18 tomorrow? Many people have referenced the notion that this is a budget issue. It is a
19 budget issue. And conveniently we're in the middle of our budget process. So I guess
20 the question I have is, you have the one piece that in come September kind of lists the
21 outline of the programs and the people, is there any way that we can begin to
22 accelerate that so that as we are looking in our budget process in the next three
23 months, we can have a better sense of what programs, where should we be looking at,
24 resources right now today. Because if we don't see things until September or October,
25 we're another year down before we're actually trying to move things around to address
26 the problem that's in front of us right this second, and that's not necessarily looking at
27 new spending. I mean, I think you did very well in outlining the fact that we have lots of,
28 every County department or agency has some type of after school program. And one of
29 the things I was going to ask Essie to do is to, I'd like to get a letter out to our
30 departments and agencies to get a sense of how much they're actually putting into
31 those programs right now. Because the way we've typically done the budget process,
32 that isn't a --.

33
34 Council President Praisner,
35 No, we don't have a budget action that relates to after school programs.

36
37 Councilmember Knapp,
38 Right and so to be able to get a sense of that.

39
40 Council President Praisner,
41 That would be very helpful.

42
43 Councilmember Knapp,



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1 Yep, if we could get something out to folks because I think then we can at least see
2 what at least is the size of the pie we're looking at and then also to see some reference
3 to Chief Manger wasn't here but a lot of what we're talking about here, supplements
4 what we've talking about with the gang task force initiatives and how do those pieces
5 mesh. And I think they're very similar, because if we're doing that well, then we're at
6 least addressing the prevention piece on the other side of the equation. And so, I guess
7 my one comment would be is to look, as you take the remarks away from today, look at
8 those things that we can do tomorrow, right now and then look at the longer strategic
9 plan. Because I think you do have the urgency piece and then think you have the
10 elements that we have all talked about that are going to be important to look at the
11 outcomes, to look at the measures, to look at a longer school day. Which are by
12 necessity going to take us a little longer to address. But we can get those other things
13 on the table in front of us right now and I think that will be helpful if in the next few
14 weeks we get some sense from you as to what are those things that we should be
15 looking at in this budget right now so we can address those short term needs. Thank
16 you very much.

17
18 Council President Praisner,
19 Councilmember Trachtenberg.

20
21 Councilmember Trachtenberg,
22 Given the late hour, I'll be brief with my remarks. I want to start, though, by thanking the
23 Council, the Collaboration Council for coming this afternoon and providing what I would
24 consider to be an excellent report. And most of what's really been said here by those of
25 us sitting on the dais are all things that I agree with. I want to start by actually
26 addressing the issue of teenage pregnancy, which several Councilmembers raised in
27 some comments. And this is of particular interest to me because of a lot of the work that
28 I did in the community before I got here and I guess what I'd like to say about it are
29 really just four simple things, which is that in my mind, the rise in this is very much
30 related to an assortment of issues, but self-esteem is one of the big ones. And clearly
31 being able to provide after school programs to young women and young men is of
32 extreme importance, because it is in those experiences that they're very much able to
33 develop their self-esteem. But we also have to consider that services, child care for
34 those young women is really critical because we've got to keep them in school. And
35 that's one of the challenges that we have right now in working with these young women.
36 And you know family planning is just as important. Because once there's a second
37 pregnancy and it's not prevented, then there's very little chance that they're ever going
38 to really enter the doors of a school again and graduate. Again, that's one issue out of
39 many. And I had some thoughts as the entire presentation was being made and as my
40 colleagues actually offered comments. And I sort of isolated four action items, four
41 things that I thought we needed to focus on and thought perhaps before we meet again,
42 maybe before we have that summit that several folks referred to. And one really is
43 access to information, which I think we all recognize is again critical. I think the
44 development of the website as a resource is a great tool. But one of the things I would



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1 actually throw out in the way of a seed is that I think for many families who don't have
2 access to internet at home, it's important to provide information about programs, after
3 school programs in written form. And one of the things I actually got across my desk
4 about two months ago when I first started here at the Council was a listing that went out
5 in, went out through the school, through the Arts and Humanities Council and was a
6 listing of summer camp programs in a newspaper format. I thought, gee, what a dandy
7 idea, you know, goes in the school pack, goes home, parents see it. Well, you know,
8 maybe at some point in time when we've got the volunteers, the staff and the money
9 maybe that's something that we think about putting together through the Collaboration
10 Council, which is a listing specific to a geographical part of the County. Obviously, it
11 would be enormously expensive to put something together for every program. But, I'm
12 just suggesting and this is again another way to disseminate that kind of information.
13 The second item is the issue of outcome measurement, which was raised by two folks
14 on the panel. And I think it's really important because I would hope that as we begin to
15 really have this discussion, we start identifying those things that have been useful that
16 are effective. And I know technology is part of how that happens. So I think over here on
17 the Council, one of the things we've got to be mindful of is how do we work with the
18 school system and with the Collaboration Council so that the outcome protocol is
19 established but the technology is there to make sure that we really do have a good
20 assessment. The third issue is really the issue of coordination and I think there was a
21 very good point raised by several people about the need for coordination. And clearly
22 that requires a staff position or two, probably several, maybe 12, maybe more and that
23 really comes down to political will and money. And I think it's something, you know, long
24 term we've got to really look at as something that's necessary. And the fourth issue,
25 which was very clear to me, in fact, it was the first thing I put down was regular dialogue
26 with the Collaboration Council, the School Board and with the Council so that we're not
27 just meeting once a year or during budget cycle, but that we're actually meeting several
28 times a year, maybe in the autumn as school begins, maybe the beginning of the new
29 year and then as we close down the school session. But I do think this was a extremely
30 useful exercise. And I would hope that it's the first of many because keeping in touch,
31 knowing what's working, what's not, what are the critical needs and recognizing the
32 contribution that we all make, the final investment most important investment and it
33 really goes back to words. I remember hearing them a long time ago, they were said by
34 Jackie Kennedy, and what she said is that if we don't take care of our children and give
35 them what they need, then what else matters. And I think she was absolutely right. And
36 I believe there is a commitment here of all of us to make sure that that is exactly what
37 we do. So thank you all for being here.

38
39 Council President Praisner,
40 Thank you. Vice-President Brandman.

41
42 Shirley Brandman,
43 I'm going to add my thanks and also try to be brief given the hour. I appreciate having
44 had an opportunity both to hear the release of the report by the Collaboration Council



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1 and then to be here again today. I'm struck by how many of us are here and listening
2 with so many different hats on. We may be here as parents. We may be here as elected
3 officials. We may have been involved in community work on behalf of kids. So, we know
4 and I think this reinforces where President Navarro started, that they really all are our
5 children and it's just about all the different ways that we meet their needs. I've had the
6 opportunity to serve just before I was elected on a middle school steering reform
7 committee. And I'm really struck by the fact that one of the initiatives in the school
8 budget on middle school reform, the conversations mirrored so much of what we've
9 talked about today. We need to extend time for learning, but it has to be fun and
10 different than what's in the classroom. It has to be engaging. It has to get at the whole
11 child. We need a staff position in the schools to make it work. We need to think about
12 transportation. We have to accommodate kids with special needs. Lo and behold a
13 budget request to – our middle school reform initiative. But the conversations are the
14 same. And it really is about thinking about what we start during the school day and how
15 to expand it. There clearly is a critical need for us to fight against time on the academic
16 end, we feel we don't have enough time, but we need to be conscious of the whole
17 child. And so that's where that balance comes from. Joining the work together with what
18 we're already doing. I know when I was serving on the PTA, I also had a chance to talk
19 about eligibility issues and one step forward that I think the School Board made was a
20 recognition that all students irrespective of academic eligibility, needed access to after
21 school opportunities and that statement came across loud and clear. And in fact, I
22 remember conversations in that committee that truthfully as we sit down with students
23 entering high school for example and do their four year academic plan, let's also do
24 their sort of four year, whatever we want to call it, extracurricular, whole child, whole
25 person planning so that we really communicate the value of being connected, being part
26 of a community that extends beyond the school bell, even if it's happening on school
27 grounds. So, you know, I applaud you, I think that we are coming together at the right
28 moment. I think we need to bring all these different conversations to a crescendo
29 through the summit or through regular communication and I think it really is about
30 recognizing that though none of us can do it alone, certainly the school can't do it alone,
31 it's not about asking any of us to do less. It's about coming together to all do more. So I
32 thank you.

33
34 Council President Praisner,

35 I want to add my thanks as well. I think from the comments of everyone up here, as I
36 think someone said, it turns out I think Vice-President Knapp, that we're usually each of
37 us wanting to make our comments rather than having a conversation. And therefore, it
38 appears to me that it is my responsibility and President Navarro's responsibility to
39 follow-up to provide, whether it's through a summit process or whatever the process, an
40 opportunity for conversation rather than for us to speak individually to each other about
41 the issues. But obviously when you're presenting a report, that's what normally happens
42 is people want to have a chance to react to the report. My personal reactions are that
43 while I agree with my colleagues, that this is a budgetary issue, everything is a
44 budgetary issue, I tend to get worried that Montgomery County's automatic assumption



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1 is that we're not throwing enough money at the problem. Whatever the problem may be.
2 And we still may not reach what is the goal we want absent the standards or the
3 expectations and the responsibility piece. So that if the challenge for a provider is
4 access to the building, it's not necessarily more money that will broaden that access,
5 especially if you don't change policies and procedures at the same time. When we talk
6 about these issues, as I said at the beginning, if we don't include all providers, informal
7 and formal, those who never come to the government and don't need any money or
8 don't have an expectation for money, but are doing good things, whatever that good
9 things may be, we're always going to make an assumption that it is a government
10 process. And I don't believe that that is exclusively, nor can it be to be successful. So I
11 hope that we will look at standards and outcomes and coordination and communication.
12 There are models out there, but most of the models that I've seen are not school system
13 or Countywide. They tend to be individualized to neighborhoods or to specific schools.
14 As Valerie mentioned, the charter school model may have more capacity within that
15 community, whatever the definition of community may be. I've seen wonderful programs
16 in Madison, Wisconsin and St. Louis, Missouri, I've been with governors who tote these
17 programs and they're only talking about a small neighborhood. They're not talking about
18 a system of the number of students and population that we're talking about. So the
19 challenge, to me, is sustainability at the same time in a large County. I've seen the lists
20 or the mapping that's been done in the past of mentoring and other programs. And it's
21 only as good as the day we prepare it. Because we don't make the commitment to the
22 continuing input of data and the continuing dialogue. So it seems to me if we're really
23 serious about this, we have to invest up front in the determination of standards for
24 academics, safety, experience, opportunities for exposure to different experiences and
25 the health factors. If those are the components that we're talking about, then I think we
26 need to talk about what are the expectations or standards, maybe standards is the
27 wrong word. But what are the expectations for the programs and the opportunities?
28 What are the outcomes that we want? What's the coordination with folks from
29 foundations who never come to us, but just start programs? Or civic associations that
30 run the athletic after school programs or academic programs. The Sharp Street
31 Program was not a government program. They did come to us for assistance, but in
32 essence, it was because the church thought that it had, its community had a problem
33 with kids who were being expelled who would be better if they were supervised and if
34 they had an experience that still connected them to the school system. No one went to
35 Sharp Street and said, we have a problem and you have to solve it. And so there is
36 initiative there that I think we have to make sure we don't, we balance with the issues of
37 standards, but also that we encourage and support that may never have a financial
38 interaction or may, but only on the edges. And there are an awful lot of parents in this
39 community who can write a check tonight and are doing so for programs. And that's
40 fine. And I don't think we should insist that unless you participate in our programs,
41 you're not really supporting your child. So I think there are challenges ahead. What I
42 worry about is the commitment or the enthusiasm needing to be not burned out by two
43 years from now we've done this and the energy is gone because we haven't ever
44 addressed the fundamental issues of collaboration of outcomes of databases and



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1 information that is sustainable over time rather than once or twice. So, we will sit down
2 with the Collaboration Council, President Navarro and I, schedule a meeting and have
3 some conversations. There are some follow-ups from this meeting. I think examples that
4 you can give us. The bigger the example, from a standpoint of coverage, mileage, and
5 population, and urban suburban setting, the better it would be, it seems to me. Because
6 I've seen examples as I said that are smaller and therefore maybe too challenging to
7 duplicate here or replicate here. So I think there are significant follow-ups. There are
8 follow-ups that you've identified but also significant follow-ups and obviously I would
9 invite the Executive to join us at this tri-party meeting with the Collaboration Council
10 because clearly although the Executive was not in office when we started this process,
11 he has clearly demonstrated by his actions to date, his serious interest and remember
12 that it was County Council President Leggett who started the year of the child focus
13 when he was Council President. So, that momentum was once there. The question is
14 how we pull it together so that it doesn't have the same kind of cycle that we've had in
15 the past. A lot of energy, a lot of focus on resources, and then all of a sudden it
16 disappears. So that's our challenge, I think. And I appreciate very much, not only my
17 colleagues staying, seat power, but all of yours because you had to listen to all of us.
18 After you gave us such an excellent report. So thank you very much. We are adjourned.
19